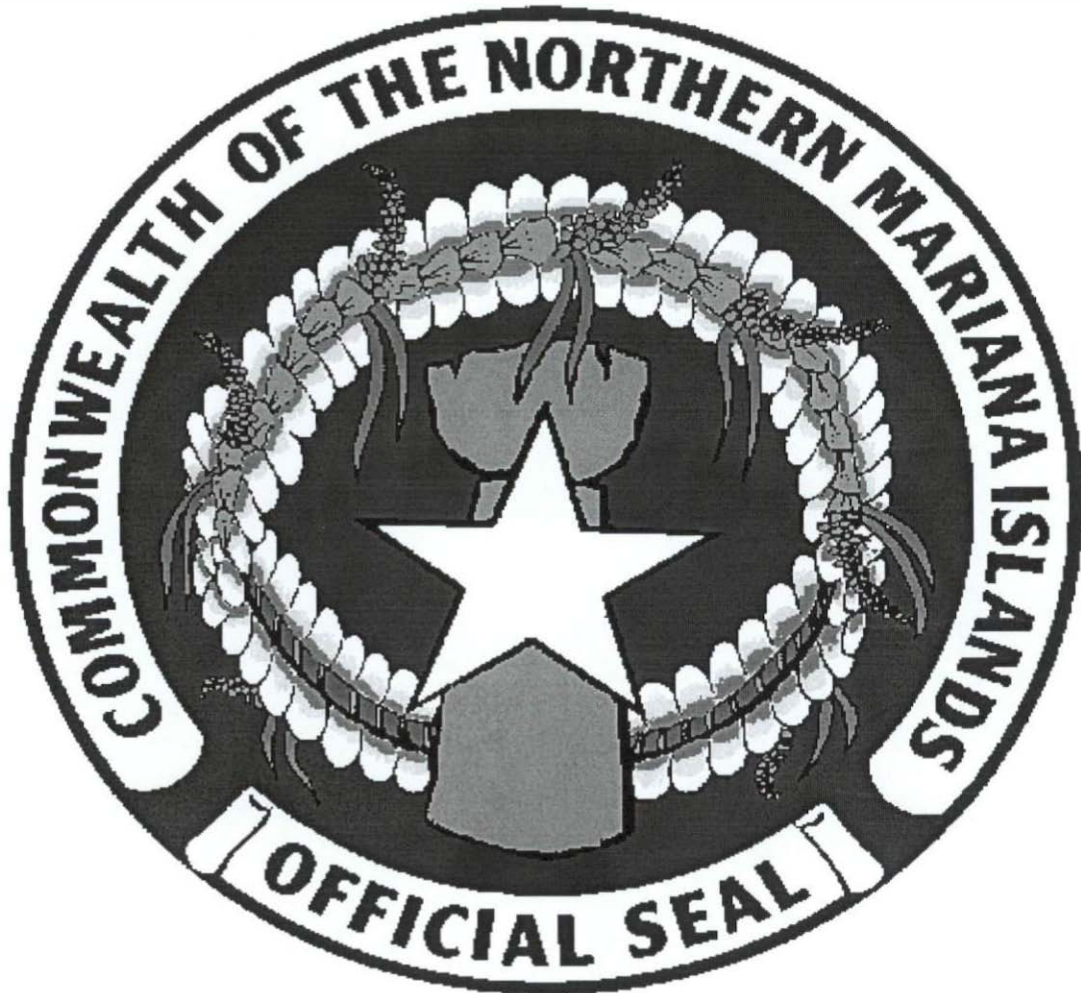


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 36  
NUMBER 12**

**DECEMBER 28, 2014**

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# COMMONWEALTH REGISTER

VOLUME 36  
NUMBER 12

DECEMBER 28, 2014

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**Commonwealth of the Northern Mariana Islands**  
**Department of Finance**  
**Larrisa Larson, Secretary**  
**Department of Finance,**  
**P.O. Box 5234**  
**Capitol Hill, Saipan MP 96950**  
**Tel. 664-1100**

**PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS  
FOR ELECTRONIC GAMING UNDER THE RULES AND REGULATIONS OF  
THE DEPARTMENT OF FINANCE**

**EMERGENCY ADOPTION AND IMMEDIATE EFFECT:** The Commonwealth of the Northern Mariana Islands, Department of Finance (“the Secretary”) finds that:

the attached rules and regulations regarding the regulation of electronic gaming, shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)); and

**AUTHORITY:** The Secretary of Finance ("Secretary") is empowered by statutory authority to adopt required regulations to aid in the implementation of Commonwealth laws. 1 CMC §§ 2553(j) (Department of Finance duties and responsibilities); 2557 (authority to adopt required regulations); 4 CMC § 1901 (authority to adopt regulations for tax administration); 9101-9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act).

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days’ notice if it states its reasons in writing:

(b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

(c) No regulation adopted is valid unless adopted in substantial compliance with this section. . . .

1 CMC § 9104(b), (c).

**THE TERMS AND SUBSTANCE:** These Rules and Regulations provide for implementation of the Tourism Entertainment and Destination Enhancement Act of 2013" (TEDE Act") as identified in P.L. 18-30 § 1. The specific issues involved are the issuances of licenses,

establishment and payment of associated fees, and the regulation of electronic gaming in the Commonwealth.

**THE SUBJECTS AND ISSUES INVOLVED:** These rules and regulations:

1. Address licensing requirements associated with the TEDE Act, establishment of associated fees and their payment
2. The regulation of electronic gaming activities authorized by the TEDE Act.

**ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS:** The Secretary has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

**REASONS FOR EMERGENCY ADOPTION:** The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. The TEDE Act authorizes the expansion of gaming activity in the Commonwealth which requires the immediate development and implementation of appropriate regulations to ensure protection of the public interests and compliance with the TEDE Act requirements.
2. The emergency regulations for TEDE Act activities that were adopted in January 2014 have expired and no regulations addressing such have been adopted since. To ensure proper authority to regulate TEDE activities, these emergency regulations must be adopted. Allowing these activities to go unregulated would be harmful to public welfare and safety.
3. The emergency regulations provide a basic structure for regulation of the importation, sale, and use of electronic gaming machines and devices as authorized under the TEDE Act.
4. Adopting the regulations on this emergency basis will provide an immediate structure to regulate the electronic gaming authorized under the TEDE Act and ensure that the public interest is protected in this activity.


**IMMEDIATE EFFECT:** These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)). This is because the Secretary has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health, safety, or welfare. (*Id.*)

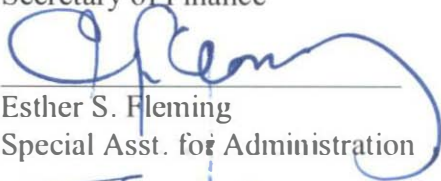
**DIRECTIONS FOR FILING AND PUBLICATION:** The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)). The emergency rules and regulations shall be published in the Commonwealth Register as soon as practicable; however, the immediate of effect of the rules and regulations shall not be contingent upon such publication.





**TO PROVIDE COMMENTS:** No comments are required for these emergency rules and regulations.

These emergency regulations were approved by the Secretary on October 30, 2014.

Submitted by:   
Larrisa Larson  
Secretary of Finance  
Date: 12/9/14


Received by:   
Esther S. Fleming  
Special Asst. for Administration  
Date: 12/09/14

Concurred by:   
ELOY S. INOS  
Governor  
Date: 10 DEC 2014

Filed and Recorded by:   
ESTHER SN. NESBITT  
Commonwealth Register  
Date: 12-10-2014

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 10th day of December 2014.

  
Gilbert J. Birnbrich  
Attorney General

**NORTHERN MARIANA ISLAND ADMINISTRATIVE CODE  
TITLE 70  
DEPARTMENT OF FINANCE REGULATIONS**

**Regulation Title:** Northern Mariana Island Administrative Code  
Title 70 (Department of Finance)  
Chapter 70-40 (Division of Revenue & Taxation)  
Subchapter 40.8 Electronic Gaming Regulation

**The following subchapter shall be added to Title 70; Chapter 70-40; Subchapter 70-40.8:**

**CHAPTER 70-60  
ELECTRONIC GAMING REGULATIONS**

**SUBCHAPTER 70-40.60 ELECTRONIC GAMING REGULATIONS**

**Part 001 General Provisions**

**Section 70-60.1-005 Authority**

Authority for promulgation and issuance of this part is derived from the Commonwealth Code, including but not limited to, 1 CMC §§ 2553(j) (Department of Finance duties and responsibilities); 2557 (authority to adopt regulations regarding matters within Department of Finance’s jurisdiction and to provide both civil and criminal penalties for violations); 4 CMC § 1901 (authority to adopt regulations for tax administration); 9101-9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act); 4 CMC § 1503(h); and Public Law 18-30 (Tourism Entertainment and Destination Enhancement Act of 2013).

**Section 70-60.1-010 – Purpose and Scope**

The purpose of these regulations is to provide structure for the implementation of Public Law 18-30, the “Tourism Entertainment and Destination Act of 2013” (TEDE Act). Public Law 18-30 exempts electronic games from the definition of “gambling device” if the electronic game is properly licensed. These regulations shall apply to use, purchase, supply or operation of any electronic games.

**Section 70-60.1-015 – Electronic Games**

“Electronic Game” means any electronic gaming machine or electronic table game device (including poker, roulette, baccarat, blackjack, craps, big wheel, slot machines, baccarat, pai gow and sic bo; and any variations or composites of such) used for the purpose of playing a game traditionally played at tables, and includes any electronic device through which bets may be placed on a game played at a table. Electronic Game includes a computer or server and any related hardware, software or other devices that are used to conduct gaming, either as a fully automated version or as a semi-automated version where the collection of bets and payout of winnings are automated.

**Section 70-60.1-020– Criminal Penalties**

Public Law 18-30 provides a limited exemption for Electronic Games from the prohibition of gambling in the Commonwealth. An individual who uses, purchases, supplies, or operates electronic games in a manner that is not in compliance with these regulations does not fall under the limited exemption and will be subject to criminal penalties under 6 CMC § 3159.

**Section 70-60.1-025- Violation of Regulations as Grounds for Imposition of Civil Fines and Suspension of Licenses**

Any individual violating these regulations shall be subject to fines and penalties up to \$5,000 per occurrence per day or as otherwise noted. Violations by a licensee of these regulations shall serve as the basis for immediate revocation of the associated license(s).

**Section 70-60.1-030– Age Limit**

No person under the age of 18 years of age may play an Electronic Game. It shall be the duty of an operator of Electronic Games to take steps necessary to enforce this prohibition. An operator's failure to enforce this age limitation shall constitute a violation of these regulations and shall be subject to the criminal and civil penalties provided under these regulations.

**Part 002 Electronic Gaming Licensing**

**Section 70-60.2-005 – Electronic Game License**

To fall within the limited gambling exemption under Public Law 18-30, an Electronic Game must be duly licensed as provided in these regulations ("Electronic Game License"). An Electronic Game License provides the licensee authority to operate the specific Electronic Game as identified in the license for a one-year period from date of issuance. Applications for an Electronic Game License shall be in the manner and form required by the Secretary of Finance.

**Section 70-60.2-010 – Electronic Game Licensing Requirements**

Applications for issuance of an Electronic Game License are limited to parties who have a valid Commonwealth Electronic Game Site Operator's License. Electronic Games submitted for licensing must comply with all applicable standards and be supplied by a Commonwealth Licensed Electronic Game Supplier.

**Section 70-60.2-015– Issuance of Electronic Game License Certification**

Upon issuance of an Electronic Game License by the Commonwealth, a certificate of license shall be issued by the Commonwealth and placed on the front of the Electronic Game. The licensee is responsible for ensuring that the certificate remains on the Electronic Game throughout the term of the license. The license applies only to the specific Electronic Game tested and approved by the Commonwealth and is not transferable. The license certificate shall not be moved, covered, or altered. A fine up to \$5,000 shall be imposed on any party violating these requirements, and shall be basis for suspension and or revocation of any associated license(s).



**Section 70-60.2-020– Limits on Number and Placement of Electronic Games**

The Secretary of Finance may issue up to one thousand Electronic Game Licenses annually. No more than 100 Electronic Games Licenses may be issued for a single Electronic Game Facility.

**Section 70-60.2-025 – Electronic Game Licensing Fees**

(a) The annual licensing fee for each Electronic Game used in the Commonwealth shall be \$2,500 per year (paid at time of issuance of the license) or fifteen percent of net gaming proceeds (paid monthly), whichever is greater ("Electronic Game License Fee"). The

(b) "Net gaming proceeds" means the total amount of all credits or cash played in an Electronic Game minus the credits or cash paid out directly by the Electronic Game. i

(c) An Electronic Game Operator must submit of written monthly report to the Department of Finance. The report shall provide details of the net gaming proceeds for each licensed Electronic Game and shall be submitted by the 5th day of the following month.

**Section 70-60.2-030– Transfer of Electronic Gaming License Fees to Commonwealth**

1. The fees owed to the Commonwealth for Electronic Gaming Licenses shall be electronically transferred to the Commonwealth no later than 9 a.m. of the fifteenth day of the month following when they are earned.
2. Electronic Gaming Licensing fees shall be deposited according to specific procedures identified by the Department of Finance.
3. Failure to timely deposit the fees will be grounds for imposition of a one thousand dollar (\$1,000) fine for every hour or portion thereof in violation of this requirement in depositing the funds and shall also serve as grounds for immediate suspension of all associated Electronic Gaming Licenses.

**Section 70-60.1-035 – Electronic Game Standards**

Only Electronic Games that comply with all standards as identified in Commonwealth regulations shall be licensed. Electronic Games must comply with the most current applicable standards as established by Gaming Laboratories International ("GLI") including, but not limited to GLI 23 or GLI 24 and maintain these and all other applicable standards at all times.

**Section 70-60.1-040 - Communications Protocol**

All Electronic Game Site Operators and Electronic Games used in the Commonwealth must include and maintain a slot accounting system ("SAS") that complies with GLI Standard 13 version 2.1 or higher (i.e., more recent) and monitors all gaming activity and allows unlimited remote access per Commonwealth requirements.

**Section 70-60.1-045-- Manufacturing Date**

No Electronic Games in the Commonwealth may have a manufacturing date before January 1, 2006. The term "manufacturing date" is defined as the date that the Electronic

Game was initially assembled by the original manufacturer and must maintain all original manufacturer parts or parts approved by the original manufacturer.

**Section 70-60.1-050–Testing of Electronic Games**

All Electronic Games proposed for use, sale, licensing, or distribution in the Commonwealth shall be tested by the Commonwealth to ensure compliance with all applicable standards ("Electronic Game Testing"). All costs for testing of Electronic Games shall be in addition to any license fees and shall be borne by the Applicant and shall be paid in full prior to release of test results or issuance of an Electronic Game License.

**Section 70-60.1-055– Return on Wagers**

All Electronic Games in the Commonwealth must provide a return on wagers of between eighty-eight percent (88%) to ninety-seven percent (97%) ("Return on Wagers") and be reflected as such in certification, verification, and testing of the Electronic Game by the Commonwealth at all times. Once the Return on Wagers is established for a specific Electronic Game and certified by the Commonwealth it must be maintained at all times until authorized in writing and subject to further certification to be changed. The Return on Wagers ("Return on Wager Display") for each Electronic Game must be prominently displayed at using one inch lettering on the front of any Electronic Game licensed by the Commonwealth for use in Electronic Gaming Activity.

**Section 70-60.1-60– Maintenance of Electronic Game Standards**

All Electronic Games in the Commonwealth must continuously comply with all standards established in these regulations. All Electronic Games shall be subject to continuous electronic monitoring and random testing by the Commonwealth to ensure continuing compliance with GLI Standards. Any Electronic Game that fails to maintain constant compliance with GLI and Commonwealth standards shall have the associated Electronic Gaming License immediately suspended and removed from use. Any violation of this requirement may result in fines up to \$1,000 per hour and grounds for immediate suspension of the site operator's license and operation of all Electronic Games.

**Section 70-60.2-065 - Electronic Game Site Operator**

The term "Electronic Game Site Operator" is defined as a party who has been issued a license by the Commonwealth to operate "Electronic Gaming Activity" at one specific site that complies with Commonwealth requirements ("Electronic Game Site Requirements").

**Section 70-60.2-070 - Electronic Game Site Operator License**

All Electronic Game Site Operators must be licensed by the Commonwealth. In order to provide an adequate base for support of Electronic Game Sites and to allow for proper monitoring of this activity, only ten Electronic Game Site Licenses will be issued at any given time. The annual license fee for an Electronic Game Site Operator shall be one hundred thousand dollars (\$100,000) or one percent of net gaming proceeds whichever is greater (collectively, "Game Site Operator License Fee"). An Electronic Game Site Operator License shall be valid for a five (5) year period with annual reviews. The purpose of the annual review will be to evaluate the Electronic Game Site Operators compliance with all terms and conditions of the Electronic Game Site Operator License.

In order to promote competition and the establishment of a viable Electronic Game activity, no individual may have a significant interest in more than two Electronic Game Sites. As used in this regulation, the term "significant interest" means any form of ownership, control, consulting contract, officer, director, agent interest, or lease arrangement. All significant interests of any Electronic Site Operator must be fully disclosed in the application documents. Any violation of this requirement or undisclosed interests will be grounds for immediate suspension and initiation of license revocation procedures.

**Section 70-60.2-075--Selection of Electronic Game Site Operator Licensees**

Award of the ten Electronic Game Site Operator Licensees shall be through the use of a public request for proposal evaluation process in order to determine which proposals ("Proposals") would be in the best interest of the Commonwealth. Applicants for a license as Electronic Game Site Operator shall complete all required forms requested by the Commonwealth and provide the following information, without limitation:

1. The Applicant's legal name, form of entity (e.g., general or limited partnership, corporation), the names, addresses, employer identification or social security numbers (if applicable or alternatively, if not applicable, passport numbers) and dates of birth

(if applicable) of its directors, officers, partners, owners, and Electronic Game Site operations employees.

2. A description of the Applicant's organizational structure and a copy of current organizational documents and any subsequent amendments.
3. With respect to any entities named in subparagraph (1) that are not individuals, the names, addresses, social security numbers, and birth dates of all individuals who are directors, officers, owners, partners, key employees, or Electronic Game operations employees of any such entity.
4. The percentages of shares of stock, if any, held by each person named in subparagraph (1) or subparagraph (3) above.
5. The names of all persons principally involved in the original creation of the Applicant's enterprise.
6. The names, if any, and addresses, social security numbers, and dates of birth of any person who is or was a director, officer, owner, partner, employee of the Applicant who has been charged with or convicted of a felony, a crime involving gambling, dishonesty, or moral turpitude.
7. Certified copies of the applicant's charter, articles of incorporation, partnership agreement, and other documents which constitute or explain the legal organization of the applicant.
8. Copies of the applicant's Commonwealth or United States tax returns for the three (3) most immediate previous fiscal years.
9. Copies of the declaration pages of all insurance policies insuring the applicant.
10. Disclosure regarding the applicant or any other persons identified in subparagraphs (1) or (3) who were rejected for any gambling or gaming license or permit in any other jurisdiction.
11. Current tax clearance (issued within 30 days of date of application) from the Commonwealth Department of Revenue & Taxation.
12. Any and all other information as the Commonwealth may require to determine the competence, honesty and integrity of the applicant.
13. Authorized disclosure and release forms;
14. Identification of all gaming experience;
15. Proposed insurances and bonds;
16. Proposal submissions to the Commonwealth by or on behalf of the applicant for purposes of determining the qualifications of the applicant or agent, shall be sworn to or affirmed before a notary public. If any form or document is signed by an attorney for the applicant, the signature shall certify that the attorney has read the forms or documents and that, to the best of his or her knowledge, information and belief, based on diligent inquiry, the contents of the form or documents so supplied are true.
17. Upon request of the Commonwealth, the applicant shall supplement the information provided in the application form as deemed necessary by the Commonwealth.
18. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, cancelled checks or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the applicant or agent.
19. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or

incomplete, the applicant shall so notify the Commonwealth in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.

20. The applicant shall cooperate fully with the Commonwealth and its representatives or agents with respect to its background investigation of the applicant. Among other things, the applicant, upon request, shall make available any and all of its books or records for inspection by the Commonwealth or its representatives.
21. To the extent provided by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Commonwealth Freedom of Information Act.
22. Proposers shall pay for all costs associated with proposal review and shall deposit an initial amount of five thousand dollars (\$5,000) as deposit ("Deposit") at time of submission of the proposal for these expenses at time of submission of the application which the Commonwealth may draw upon as required. The Commonwealth shall provide Applicant with monthly report on all expenses charged against the Deposit. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Any balance of the Deposit shall be returned to the Applicant.
23. The applicant must provide specific details on the proposed site. The information that must be provided regarding the proposed site includes the following:
  - a. conceptual design;
  - b. gaming credentials and past experience of licensed architect or engineer that will design facility and stamp plans so as to assure that they meet or exceed most current gaming facility design standards.
  - c. gaming machine layout;
  - d. cashier areas;
  - e. Security issues
  - f. customer amenities;
  - g. description of fixtures and finishes;
  - h. HVAC and electrical considerations
  - i. Lighting;
  - j. Electrical services;
  - k. Video monitoring system;
  - l. Fixtures and finishes;
  - m. Parking;
  - n. Compliance with applicable building and safety codes;
  - o. Integration of central control requirements; and
  - p. Fixture replacement program.
24. Proposed Business Plan which shall describe the plan of operation for the proposed Gaming Facility Site including discussion of the following issues:
  - a. Identification of proposed site;
  - b. Gaming facility acoustics
  - c. Smoking areas
  - d. Electronic Game repair and storage area
  - e. Secure counting room



- f. Electronic cashier services;
- g. Fire protection;
- h. Emergency power;
- i. Lighting;
- j. Flooring;
- k. Documentation of site control;
- l. Cashier services plan;
- m. Electronic game repair and maintenance services plan;
- n. Video monitoring plan;
- o. Integration of food and beverages;
- p. Security plan;
- q. Proposed games;
- r. Proposed suppliers;
- s. Other entertainment activities;
- t. Customer amenities;
- u. Bonus systems;
- v. Progressive gaming
- w. Gaming promotion/Advertising;
- x. Gaming Site Management Structure;
- y. Time schedule for implementation;
- z. Proposed staffing;
- aa. Facility maintenance and replacement plan.

**Section 70-60.2-080–Duties of Electronic Game Site Operator**

The duties of an Electronic Game Site Operator in the Commonwealth are as follows:

1. Compliance with all laws and regulations of the Commonwealth and the United States and particularly the requirements associated with Electronic Gaming in the Commonwealth.
2. Compliance with proposal elements as established in the license issued by the Commonwealth.
3. Maintenance of proper conduct at Gaming Site consistent with the promotion of gaming.
4. Provision of adequate maintenance of gaming facility to meet the highest standard of appearance and repair so as to promote continuous growth of tourism related gaming in the Commonwealth.
5. Provision of adequate security at the Gaming Facility so as to ensure patron protection, security of all gaming funds, promotion of gaming, public trust and integrity of gaming activity.
6. Dutiful compliance with required payments to the Commonwealth;
7. Provision of financial security acceptable to the Commonwealth;
8. Exceptional customer services.
9. Continued annual growth of gaming as measured by net gaming proceeds.
10. Control of costs so as to maintain viability of gaming operations.
11. Take required steps to prevent tampering or unauthorized access to Electronic Games
12. Only permit authorized individuals to access Electronic Games.

13. Adequate supervision and control of staff so as to ensure proper licensing, protection of integrity of gaming activities, and promotion of tourism related gaming.
14. Continuous operational capacity of at least 95% of all licensed Electronic Games located at the Electronic Game Site and available for public use twenty-four hours a day, three hundred and sixty-five days per calendar year.
15. The licensee shall at all times make its premises available for inspection by authorized representatives of the Commonwealth or the Commonwealth personnel, on a 24-hour unannounced basis.
16. Commonwealth agents shall be authorized entry to the premises and access to any electronic gaming machines or records of the agent without acquiring a warrant.
17. The licensee shall consent in writing to the examination of all records and, upon request of the Commonwealth, shall authorize all third parties in possession or control of the said documents to allow the Commonwealth to examine such documents.
18. To the extent permitted by law, a licensee accepts all risks of adverse public notice, embarrassment, criticism, damages, or financial loss which may result from any disclosure or publication of material or information supplied to the Commonwealth in connection with the license application.
19. A licensee shall immediately notify the Commonwealth of any proposed or effective change regarding the makeup of the owners, directors, officers, partners, or employees of the contractor.
20. A licensee shall certify by a sworn notarized statement that it has not entered and does not intend to enter into any joint venture, partnership, independent contractor or teaming agreement in order to fulfill its obligations in connection with electronic gaming operations and that it has not entered and does not intend to enter into any agreement whereunder the proceeds generated by any agreement between the agent and the Commonwealth would be shared with one or more other persons.
21. No license granted may be transferred, assigned or pledged as collateral.
22. No change of ownership or control of a licensee that occurs after the Commonwealth has issued a license shall be allowed without prior consent of the Commonwealth.
23. Electronic Gaming Operator, Officers, Directors and employees are prohibited from participating in electronic gaming wagering in any form or manner

**Section 70-60.2-085- Electronic Game Site Operator License Fee**

1. The annual licensing fee for an Electronic Game Site Operator shall be a minimum fee of one hundred thousand dollars (\$100,000) ("Minimum Fee") or one percent of net winnings ("1% License Fee"), whichever is greater. Payment of the Minimum Fee shall be payable in full at time of granting of the license.
2. Once total annual net gaming proceeds of the associated site exceed ten million dollars (\$10,000,000) the 1% License Fee shall be due and payable to the Commonwealth on any net gaming proceeds that exceed this amount and shall be paid monthly at 8a.m. on the first day of the month following the month in which

it is earned and in a manner that is in full compliance with Commonwealth directives.

3. Late payments of the 1% License Fee shall be penalized by a fine of one thousand dollars for every hour or portion thereof that the payment is late and shall be grounds for immediate suspension of all associated Electronic Gaming Licenses.

**Section 70-60.2-090 – Electronic Game Supplier License**

Specified equipment used in Electronic Gaming in the Commonwealth may only be imported into the Commonwealth by a Commonwealth licensed Electronic Game Supplier and offered for sale, lease, or use by an Electronic Gaming Site Operator.

1. Applicants for a license as Electronic Game Supplier shall complete all required forms requested by the Commonwealth and provide the following information, without limitation:
  - a. The applicant's legal name, form of entity (e.g., general or limited partnership, corporation), the names, addresses, employer identification or social security numbers (if applicable or alternatively, if not applicable, passport numbers) and dates of birth (if applicable) of its directors, officers, partners, owners, and Electronic Game Supplier employees.
  - b. A description of the applicant's organizational structure and a copy of current organizational documents and any subsequent amendments.
  - c. With respect to any entities named in subparagraph (1) that are not individuals, the names, addresses, social security numbers, and birth dates of all individuals who are directors, officers, owners, partners, key employees, or Electronic Game operations employees of any such entity.
  - d. The percentages of shares of stock, if any, held by each person named in subparagraph (1) or subparagraph (3) above.
  - e. The names of all persons principally involved in the original creation of the applicant's enterprise.
  - f. The names, if any, and addresses, social security numbers, and dates of birth of any person who is or was a director, officer, owner, partner, employee of the applicant who has been charged with or convicted of a felony, a crime involving gambling, dishonesty, or moral turpitude.
  - g. Certified copies of the applicant's charter, articles of incorporation, partnership agreement, and other documents which constitute or explain the legal organization of the applicant.
  - h. Copies of the applicant's Commonwealth or United States tax returns for the three (3) most immediate previous fiscal years.
  - i. Copies of the declaration pages of all insurance policies insuring the applicant.
  - j. Disclosure regarding the applicant or any other persons identified in subparagraphs (1) or (3) who were rejected for any gambling or gaming license or permit in any other jurisdiction.
  - k. Current tax clearance (issued within 30 days of date of application) from the Commonwealth Department of Revenue & Taxation.
  - l. Any and all other information as the Commonwealth may require to determine the competence, honesty and integrity of the applicant.
  - m. Authorized disclosure and release forms.

- n. Proposed insurances and bonds.
  - o. Identification of all gaming experience including the identification of the following:
    - (1) History of gaming activity in the past ten years
    - (2) Sites where applicant is currently conducting gaming activities;
    - (3) Types of game hardware and software currently in use;
  - p. Proposed Business Plan identifying the following:
    - (1) Proposed gaming hardware and software and associated equipment;
    - (2) Communications protocol;
    - (3) Compliance with GLI standards
    - (4) Proposed suppliers;
    - (5) Sites where equipment is currently being used
    - (6) Date of manufacture of proposed Electronic Games;
    - (7) Game maintenance systems and staffing; and
    - (8) Promotion of gaming growth;
2. The application, as well as other documents submitted to the Commonwealth by or on behalf of the applicant for purposes of determining the qualifications of the applicant or agent, shall be sworn to or affirmed before a notary public. If any form or document is signed by an attorney for the applicant, the signature shall certify that the attorney has read the forms or documents and that, to the best of his or her knowledge, information and belief, based on diligent inquiry, the contents of the form or documents so supplied are true.
  3. Upon request of the Commonwealth, the applicant shall supplement the information provided in the application form as deemed necessary by the Commonwealth.
  4. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the applicant or agent.
  5. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or incomplete, the applicant shall so notify the Commonwealth in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
  6. The applicant shall cooperate fully with the Commonwealth and its representatives or agents with respect to its background investigation of the applicant. Among other things, the applicant, upon request, shall make available any and all of its books or records for inspection by the Commonwealth or its representatives.
  7. To the extent provided by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Commonwealth Freedom of Information Act.
  8. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of two thousand dollars (\$2,000) as deposit ("Deposit") for these expenses at time of submission of the application which the Commonwealth may draw upon as required. The Commonwealth shall provide Applicant with monthly report on all expenses charged against the Deposit. If expenses exceed the amount of



Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Upon issuance of license or denial, any balance of the Deposit shall be returned to the Applicant.

**Section 70-60.2-095 – Sales of Electronic Game Equipment**

1. Specified equipment ("Specified Electronic Game Equipment") used in association with Electronic Gaming in the Commonwealth may only imported by and offered for sale, lease or use by an Electronic Game Supplier licensed to Commonwealth Licensed Electronic Game Site Operators or a licensed Electronic Game Site Operator for exclusive use in his licensed facility.
2. Importation of Electronic Games by parties who are not licensed by the Commonwealth as an Electronic Game Supplier or an Electronic Game Site Operator (as limited herein) is strictly prohibited.

**Section 70-60.2-100 –Electronic Gaming Site Operator and Electronic Game Supplier License Application Review**

1. Upon determination by the Commonwealth that the application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the Electronic Gaming Site Operator and Electronic Game Supplier Licenseapplicant ("Applicant") and report its findings.
2. The Commonwealth shall weigh the following factors in the evaluation of the application:
  - a. The criminal background, if any, of the Applicant, or any of its officers, directors, partners, owners, and employees. No license shall be issued to any applicant if any of the persons identified in this subsection have been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
  - b. The extent to which, if any, the Applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the Applicant, including a mortgage or other lien against property of the Applicant or, who in the opinion of the Commonwealth, might otherwise influence its activities. In such case the Commonwealth shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the applicant.
  - c. The degree to which the Applicant has demonstrated its ability to finance the proposed operations, as well as the source of such financing.
  - d. The degree to which the Applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
  - e. Whether the Applicant has demonstrated the business ability and experience necessary to satisfactorily conduct the Electronic Game operations.
  - f. The extent to which the Applicant has cooperated with the Commonwealth in connection with the background investigation.
  - g. Whether the person, or any of its officers, directors, partners, owners, key employees, or employees are known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of commonwealth Electronic Gaming.



- h. With respect to any past conduct which may adversely reflect upon the Applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the Applicant's fitness for the license.
  - i. The extent, if any, to which the Applicant has failed to comply with any applicable tax laws of the United States, Commonwealth or other governments or agencies.
  - j. Any other information before the Commonwealth, including substantially similar background investigations performed by other agencies or jurisdictions, which relates to the Applicant's competency, financial capability, honesty, integrity, reputation, habits, or associations.
  - k. The proposed Business Plan
    - l. The proposed Electronic Gaming Site Facility Design (limited to Electronic Game Site Operator applicants).
    - m. Proposed insurances and bonds.
3. A license shall be issued to the applicant if the Commonwealth is satisfied, upon consideration of the factors specified herein that the applicant would be a fit licensee and not pose a threat to the public interest or the effective control of electronic games in the Commonwealth..

**Section 70-60.2-105--Electronic Game Site Operator and Electronic Game Supplier Employee License Requirements**

- 1. Only employees of an Electronic Game Operator Employee or Electronic Game Supplier who have been licensed and authorized to perform specified Electronic Game Services may perform the functions specified herein.
- 2. The following services of an Electronic Game Supplier or Electronic Game Site Operator are limited to individuals licensed as an "Electronic Game Technician" or "Electronic Game Technician Manager":
  - a. access to the internal area of an Electronic Game;
  - b. Performance of maintenance or repair of an Electronic Game;
  - c. Movement of an Electronic Game;
  - d. Testing of an Electronic Game;
  - e. Management of services of Electronic Game Technicians,"
  - f. Repair or maintenance of change machines or cashless gaming systems.
- 3. The following services are limited to employees of an Electronic Game Site Operator who are licensed as an "Electronic Game Cashier" or "Electronic Game Cashier Manager":
  - a. Handling of Electronic Gaming Funds;
  - b. Providing change, money exchange, or cashier services to Electronic Gaming Patrons.
- 4. The employer of individuals licensed as an Electronic Game Cashier or Electronic Game Cashier Manager must provide a \$100,000 bond payable to the Commonwealth upon any claim for willful or negligence performance of duties.

5. The following services are limited to employees of an Electronic Game Supplier who are licensed as a "Electronic Game Supplier Agent:" Act as representative or agent of Electronic Game Supplier.
6. The following services of an Electronic Game Supplier or Electronic Game Site Operator are limited to individuals licensed as an "Electronic Game Site Manager" or "Electronic Game Supplier Manager":
  - a. Management of Electronic Game Technicians and Electronic Game Technician Managers;
  - b. Management of Electronic Game Site Operator Cashiers;
  - c. Management of Electronic Game Supplier Agents

**Section 70-60.2-110 – Electronic Game Site and Electronic Game Supplier  
Employee License Application**

1. Applicants for a license as:
  - a. Electronic Game Technician;
  - b. Electronic Game Technician Manager;
  - c. Electronic Game Cashier;
  - d. Electronic Game Cashier Manager
  - e. Electronic Game Supplier Agent;
  - f. Electronic Game Supplier Agent Manager
  - g. Electronic Game Site Manager

("Electronic Gaming Employee Applicant" or "Applicant") shall apply to the Commonwealth for the respective licenses on specified forms and shall provide the following, without limitation:

- a. Name;
  - b. Address of residence;
  - c. Driver's License or Passport;
  - d. Last two years of income tax returns;
  - e. Telephone number;
  - f. e-mail address;
  - g. any previous name used;
  - h. Arrest record;
  - i. Identification of any prior criminal convictions;
  - j. Education level;
  - k. Any creditor or bankruptcy proceedings;
  - l. Current tax clearance (issued within 30 days of date of application) from Commonwealth Department of Revenue & Taxation;
  - m. Fingerprints;
  - n. Employment history;
  - o. Authorized disclosure and release forms; and
  - p. Identification of all gaming experience.
2. Upon request of the Commonwealth, the Applicant shall supplement the information provided in the application form as deemed necessary. The Applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the Applicant.

3. To the extent, if any, that the information supplied in the application or otherwise supplied by the Applicant or on the Applicant's behalf, becomes inaccurate or incomplete, the Applicant shall so notify the Commonwealth in writing as soon as he or she is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
4. The Applicant shall cooperate fully with the Commonwealth and representatives with respect to its background investigation of the applicant.
5. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of two hundred dollars (\$100) as deposit ("Deposit") for these expenses at time of submission of the application which the Commonwealth may draw upon as required. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Upon issuance of license or denial, any balance of the Deposit shall be returned to the Applicant.

**Section 70-60.2-120 – Electronic Game Employee License Application Review**

1. As soon as the Commonwealth has determined that the Electronic Gaming Employee application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the Applicant and report its findings.
2. The Commonwealth shall weigh the following factors in his or her evaluation of the application:
  - a. The criminal background, if any, of the Applicant. No license shall be issued to any applicant who has been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
  - b. The extent to which, if any, the applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the applicant, including a mortgage or other lien against property of the applicant or, who in the opinion of the Commonwealth, might otherwise influence his or her activities. In such case the Commonwealth shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the Applicant.
  - c. The degree to which the Applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
  - d. The extent to which the Applicant has cooperated with the Commonwealth and the Commonwealth in connection with the background investigation.
  - e. Whether the Applicant is known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the lottery.
  - f. With respect to any past conduct which may adversely reflect upon the Applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the Applicant's fitness for the license.

- g. The extent, if any, to which the Applicant has failed to comply with any applicable tax laws of the United States, Commonwealth or other governments.
  - h. Any other information before the Commonwealth, including substantially similar background investigations performed by other agencies or jurisdictions, which relates to the Applicant's competency, financial capability, honesty, integrity, reputation, habits, or associations.
3. A license shall be issued to the Applicant if the Commonwealth is satisfied, upon consideration of the factors specified that the Applicant would be a fit licensee and not pose a threat to the public interest, the reputation of the lottery, or the effective control of the lottery.
  4. The Commonwealth will communicate the results of suitability in writing regarding an employee to the Electronic Gaming Site Operator or Electronic Game Supplier sponsoring said individual.
  5. All records pertaining to criminal background checks, and copies of suitability determinations of Applicants for licensure, shall be maintained in a confidential manner.
  6. Access to criminal background check records, and letters of reference accompanying out-of-state criminal background checks, and determinations of suitability of Applicants shall be limited to the Commonwealth and designated personnel.

**Section 70-60.2-125 – Electronic Gaming Employee License Conditions**

1. All Electronic Gaming Employees must possess a currently valid Electronic Gaming Employee License to perform any of the specified duties or functions.
2. Licenses are valid for a two year period from date of issuance.
3. Employee must comply with Commonwealth laws and regulations.
4. Employees must limit their duties to the specific job duties associated with their job description and activity limits associated with their Electronic Game contractor employer.
5. Employees may not engage in unauthorized activity associated with the electronic game machines.
6. Employees must update license information to reflect any changes that occur during the year.
7. Electronic Game Operator Employees are prohibited from participating in electronic game wagering in any form or manner.
8. Electronic Game Operator Employees must wear license in prominent display on front of shirt area at all times during hours of employment.
9. Every license issued by the Commonwealth shall bear thereon the distinguishing number assigned to the licensee and shall contain the name and photograph of the licensee. The license shall also contain the name of the sponsoring employer.
10. The Electronic Game Employee License is the property of the Commonwealth. The license shall be returned to the Commonwealth if it is suspended, expires, or upon termination of employment.

**Section 70-60.2-130 – Denial of License**



1. If a determination is made to deny a license, the person or entity shall have an opportunity to appeal for reconsideration as identified herein.
2. Appeal shall be initiated by a party notified that he/she is being denied a license pursuant to the Electronic Gaming Regulations by submitting a request for a hearing to the Commonwealth within ten (10) working days of the receipt of the written notice.
3. Purpose of the hearing is for the Commonwealth to present reasons for license revocation and opportunity to licensee to refute asserted reasons for revocation or denial and present reasons why the license should not be denied.
4. If an Applicant desires a hearing, he shall provide the Commonwealth with a written statement within ten days of receipt of the notice of denial which contains the following:
  - a. A clear and concise assignment of each error which the Commonwealth alleges to have been committed in the tentative determination to deny the license. Each assignment of error should be listed in a separately numbered paragraph.
  - b. A clear and concise statement of the facts on which the Applicant relies in support of each assignment of error.
  - c. A prayer setting forth the relief sought.
  - d. The signature of the Applicant verifying that the statements contained in the statement are true.
5. The appellant shall be given the right to be heard within thirty (30) working days of the receipt of the letter of appeal, unless extenuating circumstances require a longer period.
6. A written decision shall be rendered by within thirty (30) working days of the hearing unless extenuating circumstances require a longer period. All decisions made under this appeal procedure are final.
7. Hearing will be conducted by a hearing officer who shall establish appropriate rules and procedures.
8. Parties will be allowed to present relevant evidence.
9. A recording of the hearing will be made and retained for a one year period from date of hearing.
10. A person determined to be unsuitable for licensure pursuant to these Regulations shall be prohibited from reapplying for licensure for a period of twelve (12) months.
11. Decisions of the hearing officer may be appealed within 30 days of decision to the Commonwealth Superior court.

**Section 70-60.2-135 – License Suspension and Revocation**

1. The license of an Electronic Game Site Operator ; Electronic Game Supplier; or Electronic Game Employee ("licensee") may be suspended or revoked for the following reasons:
  - a. Failure to file with the Commonwealth the information required pursuant these regulations; and
  - b. For cause, such as, but not limited to falsifying any application for license or report to the Commonwealth; failure to report information required by the regulations; the material violation of the regulations; or any conduct by the



licensee, or any of its owners, officers, directors, partners, key employees, or Electronic Game operations employees, which undermines the public confidence in the Electronic Game system or serves the interest of organized gambling or crime and criminals in any manner.

- c. A license may be revoked for an unintentional violation of any Federal, or Commonwealth law or regulation provided that the violation is not cured within a reasonable time as determined by the Commonwealth, or a longer period where the Electronic Game agent has made diligent efforts to cure. For purposes of this provision, the licensee is deemed to be familiar with all the provisions of these regulations and unintentional violations shall not include violations which the licensee asserts are unintentional because of lack of awareness of these regulations. Likewise, for purposes of this provision, diligent efforts to cure shall not constitute a defense to a suspension or revocation of the license arising out of reasons identified above or in situations where the violation would not have occurred had the licensee exercised diligent efforts to comply with the requirements when they were first applicable.
2. Prior to the revocation or suspension of any license, the Commonwealth shall notify the licensee of the intended revocation or suspension of the license, and the reasons therefore. No revocation or suspension shall be effective until a final order is issued pursuant to the following procedure, except when the public welfare clearly requires emergency action and the Commonwealth's order so states. The notice of the intended revocation or suspension shall afford the licensee with an opportunity for a hearing.
3. If the licensee desires a hearing, it shall provide the Commonwealth with a written statement within ten days of receipt of the notice which contains the following:
  - a. A clear and concise assignment of each error which the licensee alleges to have been committed in the tentative determination to suspend or revoke the license. Each assignment of error should be listed in a separately numbered paragraph.
  - b. A clear and concise statement of the facts on which the licensee relies in support of each assignment of error.
  - c. A prayer setting forth the relief sought.
4. The signature of the licensee or an officer authorized to request the hearing.
5. A verification by the licensee or counsel for the licensee that the statements contained in the statement are true.
6. The Commonwealth shall appoint a hearing officer within a reasonable time of receipt of the statement referenced in the preceding paragraph. Notice of the hearing shall be given at least 20 days before the date it is to be held.
7. The licensee may appear individually, by legal counsel, or by any other duly authorized representative. In the absence of the licensee, written evidence of a representative's authority shall be presented to the hearing officer in a form satisfactory to the hearing officer.
8. The licensee or his duly authorized representative, may, with the approval of a hearing officer, waive the hearing and agree to submit the case for decision on the record, with or without a written brief. Such a waiver or agreement shall be in writing and placed in the record.

9. The licensee shall be given an opportunity for argument within the time limits fixed by the hearing officer following submission of the evidence. The hearing officer, upon request of the licensee, may accept briefs in lieu of argument. The briefs shall be filed within ten days after the hearing date or within such other time as fixed by the hearing officer.
10. The hearing officer may admit any relevant evidence, except that it shall observe the rules of privilege recognized by law. The hearing officer may exclude any evidence which is irrelevant, unduly repetitious, or lacking a substantial probative effect.
11. A record shall be made of all hearings and all witnesses shall be sworn and subject to cross examination.
12. Following the conclusion of the hearing and within ten days of the receipt of the transcript thereof, or within such other time as fixed by the hearing officer but in no event later than forty-five days following the hearing, the hearing officer shall prepare a final decision, including his or her findings of fact and conclusions of law, and the order signed by the hearing officer shall be final. A copy of said order shall be served upon the licensee and any attorney of record in person or by registered or certified mail.

## **Part 003 Electronic Gaming Operation**

### **Section 70-60.3-005—Central Monitoring of Electronic Gaming Activity**

All Electronic Games used in the Commonwealth shall be subject to continuous monitoring by a centralized accounting system that complies with GLI Standard 13 version 2.1 ("Centralized Monitoring System"). The Commonwealth shall be permitted to have unlimited remote access to this system at all times per requirements of the Commonwealth.

Any Electronic Game that fails to maintain proper communications with an implemented Centralized Monitoring System may have the associated Electronic Gaming License suspended and immediately removed from service by the Commonwealth. Any violation of this requirement may result in fines up to one thousand dollars (\$1,000) per hour and grounds for immediate suspension of the site operator's license and all associated Electronic Game activity.

### **Section 70-60.3-010—Central Monitoring of Electronic Gaming User Fees**

[Reserved]

### **Section 70-60.3-015 – Video Surveillance Requirements**

Electronic Game Site Operators are required to install and maintain a video surveillance system that continuously monitors and records every Electronic Game on the premises and all cashier areas ("Video Surveillance System"). The Video Surveillance system must meet standards established by the Commonwealth to ensure financial security of funds, maintain security in the gaming site, prevent unauthorized tampering with Electronic Games and provide a record of activities ("Recordings"). The Recordings shall be kept for a ninety-day (90) period and available to the Commonwealth for their

needs. The Video Surveillance System shall provide the Secretary of Finance with the access to a connection for real time monitoring of all Electronic Gaming activity.

**Section 70-60.3-020 – Unauthorized Access to Electronic Games**

Electronic Game Site Operators shall develop and implement written procedures for limiting access to Electronic Games. These requirements shall permit limited access to patrons for usual game functions, but strictly monitor and prohibit any attempt by anyone to tamper with an Electronic Game or have internal access to Electronic Games. No one shall have access to the inside of an Electronic Game unless licensed by the Commonwealth to do so and duly authorized by that license. Individuals licensed by the Commonwealth as Cashiers shall have limited authority to access revenue collection areas of the Electronic Game. Individuals licensed by the Commonwealth as Electronic Game Technicians shall have limited access to the internal area of an Electronic Game. Violations of these restrictions may result in fines up to \$5,000 per occurrence and shall be grounds for suspension of an Electronic Game Site Operator license.

**Section 70-60.3-025– Cashless System**

At the Electronic Game Site Operator's option, Electronic Gaming activity may use a "cashless system" as defined and according to the standards established in GLI Standard GLI 16. A "cashless system" is one in which patrons to play Electronic Games through the use of a magnetic strip player card which accesses a player's account at host system at the gaming establishment ("Host") as described in GLI 16.

**Section 70-60.3-030–Kiosks**

Commonwealth Electronic Game Site Operators may use patron interface units ("Kiosks") as defined and according to standards established by Gaming Laboratories International Standard GLI-20. The services that may be offered by these Kiosks are limited to issuance of payments as interfaced with Electronic Games; bill breaking, promotional point redemption, and information reporting.

**Section 70-60.3-035– Progressive Gaming System**

Electronic Gaming in the Commonwealth can include the use of Progressive Gaming. The term "Progressive Gaming System" refers to a system in which an increasing winning pool in which multiple electronic game devices are linked at one Electronic Gaming Site (i.e., single site) are linked to a common increasing winning pool. Any Progressive Gaming System must comply with GLI Standard GLI-12 for a Multiple Gaming Device (Linked) Progressive.

**Section 70-60.3-040– Promotional Systems**

Electronic Gaming activity in the Commonwealth may include promotional systems as defined in GLI Standard GLI-18 and according to the standards contained therein. As defined, "Promotional Systems" are gaming devices that are configured to participate electronically communicated promotional award payments from a host system and the host system control the promotional award issuance parameters. Promotional awards entitle players to special awards based on patron play activity.

**Section 70-60.3-045 – Bonus Systems**

Electronic Gaming in the Commonwealth may include Bonus systems as defined and per the requirements of GLI Standard GLI-17. "Bonus Systems" are comprised of gaming devices that are configured to participate in electronically communicated bonus award payments from a host system



# TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan  
Commonwealth of the Northern Mariana Islands



Mathew C. Masga  
Chairman

Bernadita C. Palacios  
Vice Chairwoman

Ignacio K. Quichocho  
Member

Lydia F. Barcinas  
Member

Lucia L. Blanco-Maratita, Esq.  
Executive Director  
TinianGamingED@gmail.com

## PUBLIC NOTICE OF CERTIFICATION OF ADOPTION OF REGULATIONS PERTAINING TO THE ESTABLISHMENT OF TECHNICAL STANDARDS AND REQUIREMENTS APPLICABLE TO SLOT MACHINES, ELECTRONIC TABLE GAMES AND ASSOCIATED GAMING EQUIPMENT FOR USE IN LICENSED CASINOS ON THE ISLAND OF TINIAN

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS  
PROPOSED REGULATIONS  
VOLUME 36, NUMBER 10, PAGES 35665-35818  
OF OCTOBER 28, 2014

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Tinian Casino Gaming Control Commission (TCGCC) finds that:

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Tinian Casino Gaming Control Commission HEREBY ADOPTS AS PERMANENT REGULATIONS the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Tinian Casino Gaming Control Commission announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the Referenced Proposed Regulations, and that they are being adopted without modification or amendment.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:**  
None.

**AUTHORITY:** The proposed Regulations are promulgated pursuant to the Commission's authority as provided by Part II Section 5(8)c of the Revised Tinian Casino Gaming Control Act of 1989 to establish regulations and the CNMI Administrative Procedures Act.




**EFFECTIVE DATE:** Pursuant to the Administrative Procedures Act, 1 CMC §9105(b), these adopted Regulations are effective 10 days after compliance with the Administrative Procedures Act, 1 CMC §9102 and §9104(a) or (b), which in this instance, is 10 days after this publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the Administrative Procedures Act, 1CMC §9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

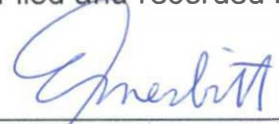
I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 3rd day of December 2014, at Tinian, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Mathew C. Masga  
Chairman

12/3/14  
Date

Filed and recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Registrar

12-10-2014  
Date



Frank M. Rabauliman  
Administrator

Commonwealth of the Northern Mariana Islands  
OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

P.O. Box 10007, Saipan, MP 96950

Tel: (670) 664-8300; Fax: (670) 664-8315

[www.crm.gov.mp](http://www.crm.gov.mp)



Frances A. Castro  
Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF  
REVISED REGULATIONS FOR NMIAC CHAPTER 15-10:  
COASTAL RESOURCES MANAGEMENT RULES AND REGULATIONS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REVISED REGULATIONS:  
Volume 36, Number 9, pp. 035505–035611 (September 28, 2014)

**ACTION TO ADOPT PROPOSED RULES AND REGULATIONS:** In accordance with the Administrative Procedure Act (“APA”), the Commonwealth of the Northern Mariana Islands Bureau of Environmental Quality (BECQ), Division of Coastal Resources Management, HEREBY ADOPTS the proposed regulations published in the Commonwealth Register at the above-referenced pages. The Administrator of BECQ announced that he intended to adopt the regulations and now does so.

I certify by signing below that the regulations being adopted are set forth as proposed regulations in the Commonwealth Register as cited above, and that they are being adopted with the following minor modifications:

- § 15-10-020 Definitions: The following definitions have been moved to alphabetical order—“Coastal Zone,” “Director,” “Division of Coastal Resources,” thereby re-lettering some definitions.
- § 15-10-360 Height Density, Setback, Coverage, and Parking Guidelines is re-numbered as 15-10-350.
- § 15-10-825 Permit Enforcement Hearing: The redundant “Director[s]” are omitted;
- § 15-10-830 Remedies: The redundant “Director[s]” are omitted;
- § 15-10-1301 Director Access – The “Director” in this heading should be bold
- § 15-10-1510 Federal Activities and Development Projects – “Commonwealths” should be changed to “Commonwealth’s”
- § 15-10-1520(f) Federal Assistance – “The The DCRM must notify” should only have one “The”
- All citations are to have a § symbol if appropriate;

**PRIOR PUBLICATION:** The proposed revised regulations were published on September 28, 2014.

**AUTHORITY:** The Administrator is empowered by statutory authority to adopt rules and regulations in furtherance of his duties and responsibilities. See 1 CMC §2081, Executive Order 2013-24, effective January 12, 2014, 1 CMC §§ 9101-9115 (Administrative Procedure Act).

**THE TERMS AND SUBSTANCE:** The revised regulations concern the Division of Coastal Resources Management. The rules and regulations reflect the merger of the Division of Coastal Resource Management and the Division of Environmental Quality into the Bureau of Environmental and Coastal Resource Quality and establish the Director as the head of DCRM. In addition, the rules and regulations modify some definitions, create a new temporary permit for emergency repairs, establish exceptions to CRM permitting, clarify the permit process and change the fee scale, require a unanimous decision of a quorum of CRM Board members in order to approve a major siting permit, allow additional imposition of conditions with respect to management measures for control of nonpoint source pollution, and add a new seagrass and seaweed section. This listing of revisions is not exhaustive and the revised rules and regulations should be consulted.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC§ 9105(b) and NOAA regulations, these adopted regulations are effective when both of the following conditions have been met:

- 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after publication in the Commonwealth Register; AND
- approval by the National Oceanic and Atmospheric Administration.

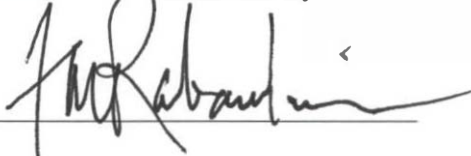
**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the 1 CMC § 9104(a)(2), the Administrator has fully considered all written and oral submissions regarding the proposed regulations. Upon this adoption of the regulations, the bureau, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. There were no comments submitted in opposition to the adoption of these regulations.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register. (1 CMC § 2153(e), duty to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or

instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).


I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the \_\_\_ day of December 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
FRANK M. RABAULIMAN  
Administrator, BECQ

12/17/14  
DATE


Filed and Recorded by:

  
ESTHER S.N. NESBITT  
Commonwealth Register

12.18.2014  
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 18th day of December, 2014.

  
GILBERT J. BIRNBRICH  
Attorney General





# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
CHAIRMAN

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*Gabvin S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035614-035625, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Promotion and Graduation Requirements which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Promotion and Graduation Requirements as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Promotion and Graduation Requirements, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:**  
None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.




**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.


**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
Date

Filed and  
Recorded by:   
Esther SN. Nesbitt  
Commonwealth Register

12-16-2014  
Date



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
CHAIRMAN

*Lucia L. Blanco-Maratita*  
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STUDENT REPRESENTATIVE  
*Loria Dee Ada Hocog*

NON PUBLIC SCHOOL REP.  
*Galvin S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035626-035633, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Financial Operation which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Financial Operation as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Financial Operation, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.


**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).


**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
\_\_\_\_\_  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Register

12.16.2014  
\_\_\_\_\_  
Date



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

P.O. Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
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SECRETARY/TREASURER

MEMBER  
*Marylou S. Ada*  
*Den se R. King*

STUDENT REPRESENTATIVE  
*Loria Dee Ada Hocog*

NON-PUBLIC SCHOOL REP.  
*Galen S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035634-035640, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Retention of Records/Audits which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Retention of Records/Audits as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Retention of Records/Audits, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.



**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, I CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to I CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
Date

Filed and  
Recorded by:



Esther SN. Nesbitt  
Commonwealth Register

12.16.2014  
Date





# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
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*Denise R. King*

STUDENT REPRESENTATIVE  
*Loria Dee Ada Hocog*

NON PUBLIC SCHOOL REP.  
*Galvin S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035641-035647, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Certification which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Certification as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Certification, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:**  
None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

STUDENTS FIRST

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §21 53(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).


I **DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
Date

Filed and  
Recorded by:

  
Esther SN. Nesbitt  
Commonwealth Register

12.16.2014  
Date



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
CHAIRMAN

*Lucia L. Blanco-Maratita*  
VICE-CHAIRWOMAN

*Janice A. Tenorio*  
SECRETARY/TREASURER

MEMBERS  
*Marylou S. Ada*  
*Denise R. King*

STUDENT REPRESENTATIVE  
*Loria Dee Ada Hocog*

NON PUBLIC SCHOOL REP.  
*Galvin S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035648-035656, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Annual Leave which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Annual Leave as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Annual Leave, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.


STUDENTS FIRST

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.


**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
Date

Filed and  
Recorded by:   
Esther SN. Nesbitt  
Commonwealth Register

12.16.2014  
Date





# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



*Herman T. Guerrero*  
CHAIRMAN

*Lucia L. Blanco-Maratita*  
VICE-CHAIRWOMAN

*Janice A. Tenorio*  
SECRETARY/TREASURER

MEMBERS  
*Marylou S. Ada*  
*Denise R. King*

STUDENT REPRESENTATIVE  
*Loria Dee Ada Hocog*

NON PUBLIC SCHOOL REP.  
*Galvin S. Deleon Guerrero*

TEACHER REPRESENTATIVE

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 36, Number 10, pp 035657-035664, of October 28, 2014

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Procurement Rules and Regulations as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Procurement Rules and Regulations, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Regular Board meeting of December 10, 2014.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.




**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.


**ATTORNEY GENERAL APPROVAL** for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10<sup>th</sup> day of December, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
Herman T. Guerrero, Chairman  
13th CNMI State Board of Education

12/10/14  
Date

Filed and  
Recorded by:   
Esther SN. Nesbitt  
Commonwealth Register

12-10-2014  
Date



# Commonwealth of the Northern Mariana Islands COMMONWEALTH LOTTERY COMMISSION

Caller Box 10007 CK, Saipan, MP 96950  
Tel: (670) 664-3002; Fax: (670) 664-3067  
registrar.corp@commerce.gov.mp

## NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS

### REGULATIONS TO IMPLEMENT AND REGULATE THE OPERATION OF VIDEO LOTTERY IN THE COMMONWEALTH

**ACTION TO ADOPT PROPOSED REGULATIONS:** On November 3, 2014, as required under 1 CMC § 9104(a), the Commonwealth of the Northern Mariana Islands, Commonwealth Lottery Commission, published public notice of its intent to adopt permanent regulations to implement provisions of PL 18-20. (See 36 Com. Reg. Addendum 035823 (Nov. 3, 2014)). The Commonwealth Lottery Commission, HEREBY ADOPTS AS PERMANENT REGULATIONS the attached Regulations, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9102, 9104(a), 9105 and applicable regulations.

**AUTHORITY:** The proposed regulations are promulgated pursuant to the authority and directions set forth in the Commonwealth of the Northern Mariana Islands Code including, but not limited to PL 18-20, 1 CMC §§ 9305, 9306, 9313 and the Commonwealth Administrative Procedure Act, 1 CMC § 9101, et seq.

**MODIFICATIONS AND SUBSTANTIVE CHANGES FROM PROPOSED REGULATIONS:** In its notice of intended action published on November 3, 2014, the Commonwealth Lottery Commission published proposed regulations to implement provisions of PL 18-20. (See 36 Com. Reg. Addendum 035823-035842 (Nov. 3, 2014)). The following modifications and substantive changes have been made to the proposed regulations and incorporated into the final permanent regulations attached to this notice:

- **Section X (K):** Modifications from original:

Applicant shall pay for all costs associated with License application and shall deposit an initial amount of fifteen thousand dollars (\$15,000) as a deposit ("Deposit") for these expenses at time of submission of the application which the Commission may draw upon as required. ~~The Commission shall provide Applicant with monthly report in all expenses charged against the Deposit. The Deposit is non-refundable.~~ If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commission for these additional expenses. ~~Upon issuance of license or denial, any balance of Deposit shall be returned to the Applicant.~~

- **Section XII (E):** Modifications from original:

Applicant shall pay for all costs associated with License application and shall deposit an initial amount of ~~two~~ one hundred and fifty dollars (\$~~250~~100) as a deposit ("Deposit") for these expenses at time of submission of the application which the Commission may draw upon as required. ~~The Commission shall provide Applicant with monthly report on all expenses charged against the Deposit. The Deposit is non-refundable.~~ If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commission for these additional expenses. ~~Upon issuance of license or denial, any balance of the Deposit shall be returned to the Applicant.~~

- **Section X (B):** Added a new subsection (8) wherein it is stated that: "Financial capability and integrity as demonstrated by filings for bankruptcy, receivership, lawsuits, foreclosures, liens and any other indicia of financial solvency, insolvency or lack of financial integrity." Old subsection (8) has been re-designated subsection (9).
- **Section XIV (C):** Modifications from original:  
A Video Lottery Central Monitoring Contractor and a Video Lottery Site Operator shall at all times make its premises available for inspection by authorized representatives of the Commission, or any the Commonwealth personnel engaged in the enforcement of these regulations or any other Commonwealth law, on a 24-hour unannounced basis. Lottery Commission members or personnel as well as any Commonwealth government personnel engaged in the enforcement of Commonwealth law are authorized~~The Commonwealth shall be authorized~~ entry to the premises and access to any video lottery machines or records of a Video Lottery Contractor agent without acquiring a warrant.
- **Section XIV (G):** Added "[e]xcept to the extent implicated by section V.B. of these regulations, a..." at the beginning of the paragraph.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b) and applicable regulations, these adopted Regulations are effective 10 days after compliance with 1 CMC §§ 9102, 9104(a) and 9105 and publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to APA, 1 CMC § 9104(a)(1) the Commonwealth Lottery Commission gave proper notice of its intended action. Pursuant to 1 CMC § 9104(a)(2) the Commonwealth Lottery Commission afforded all interested persons reasonable opportunity to submit data, views, or arguments, in writing. The Commission notes that no data, views, or arguments were submitted in response to the notice of intended action. Upon this adoption of the Regulations, the Commission, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, will issue a concise statement of the principle reasons for overruling the reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

I, Mark Rabauliman, Chairman, Commonwealth Lottery Commission, hereby approve the attached Regulations, and further certify that the attached Regulations are a true copy of the regulations as adopted by the Commonwealth Lottery Commission.

Submitted by: Mark O. Rabauliman 12/22/2014  
Mark Rabauliman, Chairman Date  
Commonwealth Lottery Commission

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

Gilbert J. Birnbrich 12.22.14  
Gilbert J. Birnbrich Date  
Attorney General

Filed and Recorded by: Esther M. San Nicolas Nesbitt 12.23.14  
Esther M. San Nicolas Nesbitt Date  
Commonwealth Register

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

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**VIDEO LOTTERY REGULATIONS**



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**VIDEO LOTTERY REGULATIONS**

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**LOTTERY COMMISSION**

**VIDEO LOTTERY REGULATIONS**

**I. Rule Making Authority**

The rules and regulations set forth in this subchapter, and from time to time amended, are promulgated pursuant to the authority and directions set forth in the Commonwealth of the Northern Mariana Islands ("Commonwealth") Code including, but not limited to, 1 CMC §§ 9305, 9306, 9313 and the Commonwealth Administrative Procedure Act, 1 CMC § 9101, *et seq.*

**II. Introduction and Purpose**

The rules and regulations as set forth in this subchapter, and from time to time amended, are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement, regulate and supervise the operation of the Commonwealth of the Northern Mariana Islands Lottery. Where permissible or appropriate these rules and regulations shall have the force of law. These rules and regulations are subject to continuing review and modification and, consistent with the requirements of the Commonwealth Lottery Commission Act, 1 CMC §§ 9301, *et seq.*, may be amended, modified or repealed as deemed

**III. Video Lottery**

The term "Video Lottery" is defined as a form of public lottery which is a gambling scheme in which:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or combination of numbers or other medium one or more of which chances are to the winning ones; and,
2. The winning chances are to be determined by a method based on an element of chance; and,
3. The holders of the winning chances are to receive something of value.
4. Electronic machines (otherwise known as video lottery terminals) are used and are centrally connected and/or monitored through a wide-area network approved computer system.

**IV. Lottery Commission**

1. The term "Lottery Commission" or "Commission" is defined as established in 1 CMC §§ 9301 – 9323 and shall provide supervision of Video Lottery administration and operation.

2. Commission membership consists of the Commissioner of Public Safety, the Secretary of Finance, the Secretary of Commerce, and the Attorney General. 1 CMC § 9302.
3. Commission membership has been structured to include select members of the Executive Branch of the Commonwealth government who are in positions of significant community trust and authority.
4. The purpose of structuring Commission membership to include these select positions of the Executive Branch was to establish public trust and confidence in government authorized gaming activities.
5. In order to maintain public trust and confidence, Commission operations are to maintain the highest standard of transparency and promotion of the public interests.
6. All Commission decisions are to be made within the confines of official Commission meetings and deliberations.
7. Commission members are prohibited from meeting with vendors, potential contractors, or other interested parties concerning Commission activities outside of the confines of official Commission deliberations in order to avoid any assertion of influence and to ensure retention of public confidence and trust in decisions.

**V. Video Lottery Structure**

- A. The Video Lottery shall be structured to use qualified independent contractors selected according to requirements of the Lottery Commission to provide the services associated with provision of video lottery terminals ("Video Lottery Terminal Contractor"), provision of central monitoring of video lottery operations ("Video Lottery Central Monitoring Contractor"), and video lottery site requirements ("Video Lottery Site Operator") (collectively "Video Lottery Contractor(s)").
- B. Under the Video Lottery structure, an individual or entity may apply for both a license to be a Video Lottery Terminal Contractor and a license to be a Video Lottery Central Monitoring Contractor. An individual or entity may **not** apply for both a license to be a Video Lottery Terminal Contractor and a Video Lottery Site Operator. An individual or entity also may **not** apply for both a license to be a Video Lottery Central Monitoring Contractor and a Video Lottery Site Operator.

**VI. Video Lottery Site Operator**

- A. The term "Video Lottery Site Operator" is defined as an independent contractor which enters into a contract with the Commission for the provision of a site to be used for placement and operation of video lottery operations ("Gaming Site").
- B. Services to be provided by the Video Site Operator and associated requirements are to be established by Contract with the Lottery Commission.

- C. Video Lottery Site Operator must be able to obtain and maintain a license issued by the Lottery Commission as a Video Lottery Site Operator.
- D. In general, a Video Lottery Site Operator must provide site services including but not limited to: food and beverage services; security for gaming operations; cashier services; site maintenance; utilities; floor area; and accommodation of the needs of other video lottery contractors that meet or exceed standards of professional gaming operations.
- E. Video Lottery Site Operator must provide insurance and bonds as required by the Commission.
- F. In consideration of complete performance of all contract duties the Video Lottery Site Operator shall be provided a percentage of net gaming proceeds as defined and established in the Contract with the Commission.

**VII. Video Lottery Central Monitoring Contractor**

- A. The term “Video Lottery Central Monitoring Contractor” is defined as an independent contractor which enters into a contract with the Commission to provide required monitoring services of video lottery operations.
- B. Video Lottery Central Monitoring Contractor must be able to obtain and maintain a license issued by the Lottery Commission as a Video Lottery Central Monitoring Contractor.
- C. Services to be provided by the Video Lottery Central Monitoring Contractor and requirements are to be determined by contract with the Commission.
- D. In general, the Video Lottery Central Monitoring Contractor is to provide a system for constant monitoring of video lottery operations according to appropriate standards so as to ensure integrity of gaming operations and monitoring of associated financial elements and provide the Commission with required reports. The Video Lottery Central Monitoring Contractor must provide required resources to test all video lottery terminals so as to ensure compliance with standards established by the Lottery Commission and monitoring of video lottery terminal operation so as to assure continued compliance with these standards.
- E. The Video Lottery Central Monitoring Contractor must provide insurance and bonds as required by the Commission.
- F. In consideration of complete performance of all contract duties the Video Lottery Central Monitoring Contractor shall be provided a percentage of net gaming proceeds as defined and established in the Contract with the Commission.

**VIII. Video Lottery Terminal Contractor**



- A. The term "Video Lottery Terminal Contractor" is defined as an independent contractor who enters into a contract with the Commission to provide identified video lottery terminals.
- B. A Video Lottery Terminal Contractor must be able to obtain and maintain a license issued by the Lottery Commission as a Video Lottery Terminal Contractor.
- C. The services to be provided by the Video Lottery Terminal Contractor and requirements are to be determined by contract with the Commission.
- D. In general, a Video Lottery Terminal Contractor is to provide identified video lottery terminals and associated software and licenses as identified in the Contract with the Commission that meet or exceed identified standards. A Video Lottery Terminal Contractor must provide required resources to supply, place, maintain and assure continued operation of contracted video lottery terminals.
- E. Video Lottery Terminal Contractors must provide insurance and bonds as required by the Commission.
- F. In consideration of complete performance of all contract duties, the Video Lottery Terminal Contractor shall be provided a percentage of net gaming proceeds as defined and established in the contract with the Commission.

**IX. Video Lottery Contractor Business Plan**

- A. Video Lottery Contractors must provide an annual business plan ("Business Plan") and associated budget identifying all operational and capital costs for the upcoming calendar year (or initial operating period) for approval by the Commission in form and detail as required by the Commission for their consideration and approval (collectively "Approved Business Plan").
- B. The Business Plan must identify contract responsibilities and how Video Lottery Contractor will use resources to accomplish these responsibilities including staffing.
- C. The Operation of Video Lottery Contractors is to conform to the Approved Business Plan or as amended and approved by Commission.
- D. All Video Lottery Contractors shall be subject to audit by the Commission Auditors to assure compliance with Approved Business Plan.
- E. Video Lottery Contractors must comply fully with requests for information by Commission auditors.
- F. In the Commissions' sole discretion, an amendment to an Approved Business Plan may be approved if it is determined that an amendment or amendments are necessary to: Increase revenues from the video lottery, protect the public welfare or ensure the security of the video lottery.

- G. In consideration for full compliance with all terms of the contract with the Commission, Video Lottery Contractors will be provided a percentage of net gaming revenues as established in the specific contracts with the Commission.
- H. Contractor must file monthly report with the Commission by the 10<sup>th</sup> day of each month indicating financial status of operations of previous month in relation to approved business plan.
- I. To the extent provided by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Open Government Act, 1 CMC § 9901 *et seq.*

**X. Video Lottery Contractor Licensing Application**

- A. Only individuals or entities receiving and maintaining a video lottery contractor license are eligible to provide the services of a Video Lottery Contractor.
- B. Only entities selected by the Commission for consideration of the establishment of a contract for the provision of Video Lottery services shall be eligible to apply for a Video Lottery Contractor license ("applicants").
- C. Applicants for a license as Video Lottery Contractor shall complete all required forms and provide the following, without limitation:
  - 1. The applicant's legal name, form of entity (e.g., general or limited partnership, corporation), the names, addresses, employer identification or social security numbers (if applicable or alternatively, if not applicable, passport numbers) and dates of birth (if applicable) of its directors, officers, partners, owners, and video lottery operations employees.
  - 2. A description of the applicant's organizational structure and a copy of current organizational documents and any subsequent amendments.
  - 3. With respect to any entities named in subparagraph (1) that are not individuals, the names, addresses, social security numbers, and birth dates of all individuals who are directors, officers, owners, partners, key employees, or video lottery operations employees of any such entity.
  - 4. The percentages of shares of stock, if any, held by each person named in subparagraph (1) or subparagraph (3) above.
  - 5. The names of all persons principally involved in the original creation of the applicant's enterprise.
  - 6. The names, if any, and addresses, social security numbers, and dates of birth of any person who is or was a director, officer, owner, partner, employee of the applicant who has been charged with or convicted of a felony, a crime involving gambling, dishonesty, or moral turpitude.

7. Certified copies of the applicant's charter, articles of incorporation, partnership agreement, and other documents which constitute or explain the legal organization of the applicant.
  8. The information required by subparagraph (1) above as to any operator of any business conducted by such applicant and any other contractor (which is not a publicly traded entity) utilized by such applicant which has received compensation from such applicant in excess of \$10,000 in any of the three (3) preceding fiscal years together with a copy of all agreements between such applicant and such operator or contractor and a statement of all compensation paid to such operator or contractor during said three-year period.
  9. Copies of the applicant's audited financial statements for the preceding three (3) fiscal years and a copy of internally prepared financial statements for the current fiscal year as at the close of the most recent fiscal quarter.
  10. Copies of the applicant's Commonwealth or United States tax returns for the three (3) most immediate previous fiscal years.
  11. Copies of the declaration pages of all insurance policies insuring the applicant.
  12. The information required as to the ten (10) largest unsecured creditors which are not publicly traded entities or accounting firms or legal firms of the applicant who are owed more than \$10,000 by the applicant for a period in excess of sixty days.
  13. Disclosure regarding the applicant or any other persons identified in subparagraphs (1) or (3) who were rejected for any gambling or gaming license or permit in any other jurisdiction.
  14. Current tax clearance (issued within 30 days of date of application) from Commonwealth Department of Revenue & Taxation.
  15. Any and all other information as the Commission may require to determine the competence, honesty and integrity of the applicant.
  16. Authorized disclosure and release forms.
  17. Identification of all gaming experience.
  18. Proposed Business Plan.
- D. The application, as well as other documents submitted to the Commission by or on behalf of the applicant for purposes of determining the qualifications of the applicant or agent, shall be sworn to or affirmed before a notary public. If any form or document is signed by an attorney for the applicant, the signature shall certify that the attorney has read the forms or documents and that, to the best of his or her knowledge, information and belief, based on diligent inquiry, the contents of the form or documents so supplied are true.

- E. Upon request of the Commission, the applicant shall supplement the information provided in the application form as deemed necessary by the Commission.
- F. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, cancelled checks or other materials required or requested by the Commission for purposes of determining the qualifications of the applicant or agent.
- G. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or incomplete, the applicant shall so notify the Commission in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
- H. The applicant shall cooperate fully with the Commission and its representatives or agents with respect to its background investigation of the applicant. Among other things, the applicant, upon request, shall make available any and all of its books or records for inspection by the Commission or its representatives.
- I. The Business Plan must provide that all services required to be performed by Video Lottery Contractors must be performed by the Contractor and its employees ("Video Lottery Contractor Employees") and not by agents or subcontractors.
- J. To the extent allowed by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Open Government Act, 1 CMC § 9901 *et seq.*
- K. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of fifteen thousand dollars (\$15,000) as a deposit ("Deposit") for these expenses at time of submission of the application which the Commission may draw upon as required. The Deposit is non-refundable. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commission for these additional expenses.

**XI. Video Lottery Contractor License Application Review**

- A. Upon determination by the Commission that the application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the applicant and report its findings.
- B. All Video Lottery Contractors must be able to obtain and maintain a Video Lottery Contractor License at all times during period of Video Lottery Contract.
- C. The Commission shall weigh the following factors in his or her evaluation of the application:



1. The criminal background, if any, of the applicant, or any of its officers, directors, partners, owners, and employees. No license shall be issued to any applicant if any of the persons identified in this subsection have been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
2. The extent to which, if any, the applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the applicant, including a mortgage or other lien against property of the applicant or, who in the opinion of the Commission, might otherwise influence its activities. In such case the Commission shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the applicant.
3. The degree to which the applicant has demonstrated its ability to finance the proposed video lottery operations, as well as the source of such financing.
4. The degree to which the applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
5. Whether the applicant has demonstrated the business ability and experience necessary to satisfactorily conduct the video lottery operations.
6. The extent to which the applicant has cooperated with the Commission in connection with the background investigation.
7. Whether the person, or any of its officers, directors, partners, owners, key employees, or video lottery operations employees are known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the lottery.
8. With respect to any past conduct which may adversely reflect upon the applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the applicant's fitness for the license.
9. The extent, if any, to which the applicant has failed to comply with any applicable tax laws of the United States, Commonwealth or other governments.
10. Any other information before the Commission, including substantially similar background investigations performed by other agencies or jurisdictions, which relates to the applicant's competency, financial capability, honesty, integrity, reputation, habits, or associations.
11. The proposed Business Plan.

D. A license shall be issued to the applicant if the Commission is satisfied, upon consideration of the factors specified herein that the applicant would be a fit licensee and not pose a threat to the public interest, the reputation of the lottery, or the effective control of the lottery.

## **XII. Video Lottery Contractor Employees License Application**

- A. Applicants for a license as Video Lottery Monitor Contractor; Video Lottery Terminal Contractor, or Video Lottery Site Contractor (collectively "Video Lottery Employees") shall apply to the Commission on specified forms and shall provide the following, without limitation:
1. Name;
  2. Address of residence;
  3. Driver's License or Passport;
  4. Last two years of income tax returns;
  5. Telephone number;
  6. e-mail address;
  7. any previous name used;
  8. Arrest record;
  9. Identification of any prior criminal convictions;
  10. Education level;
  11. Any creditor or bankruptcy proceedings;
  12. Current tax clearance (issued within 30 days of date of application) from Commonwealth Department of Revenue & Taxation;
  13. Fingerprints;
  14. Employment history;
  15. Authorized disclosure and release forms; and
  16. Identification of all gaming experience.
- B. Upon request of the Commission, the applicant shall supplement the information provided in the application form as deemed necessary. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, cancelled checks or other materials required or requested by the Commission for purposes of determining the qualifications of the applicant or agent.
- C. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or incomplete, the applicant shall so notify the Commission in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
- D. The applicant shall cooperate fully with the Commission and representatives with respect to its background investigation of the applicant. Among other things, the

applicant, upon request, shall make available any and all of its books or records for inspection by the Commission or its representatives.

- E. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of two hundred and fifty dollars (\$250) as a deposit ("Deposit") for these expenses at time of submission of the application which the Commission may draw upon as required. The Deposit is non-refundable. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commission for these additional expenses.

### **XIII. Video Lottery Employee License Application Review**

- A. As soon as the Commission has determined that the application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the applicant and report its findings.
- B. The Commission shall weigh the following factors in his or her evaluation of the application:
  - 1. The criminal background, if any, of the applicant. No license shall be issued to any applicant who has been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
  - 2. The extent to which, if any, the applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the applicant, including a mortgage or other lien against property of the applicant or, who in the opinion of the Commission, might otherwise influence its activities. In such case the Commission shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the applicant.
  - 3. The degree to which the applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
  - 4. The extent to which the applicant has cooperated with the Commission and the Commission in connection with the background investigation.
  - 5. Whether the applicant is known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the lottery.
  - 6. With respect to any past conduct which may adversely reflect upon the applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the applicant's fitness for the license.
  - 7. The extent, if any, to which the applicant has failed to comply with any applicable tax laws of the United States, Commonwealth or other governments.

8. Financial capability and integrity as demonstrated by filings for bankruptcy, receivership, lawsuits, foreclosures, liens and any other indicia of financial solvency, insolvency or lack of financial integrity.
  9. Any other information before the Commission, including substantially similar background investigations performed by other agencies or jurisdictions, which relates to the applicant's competency, financial capability, honesty, integrity, reputation, habits, or associations.
- C. A license shall be issued to the applicant if the Commission is satisfied, upon consideration of the factors specified that the applicant would be a fit licensee and not pose a threat to the public interest, the reputation of the lottery, or the effective control of the lottery.
  - D. The Commission will communicate the results of suitability in writing regarding an employee to either the Video Lottery Contractor employing said individual. The Lottery will provide a copy of the criminal history record to the employee upon request.
  - E. All records pertaining to criminal background checks, and copies of suitability determinations of applicants for licensure, shall be maintained in a confidential manner.
  - F. Access to criminal background check records, and letters of reference accompanying out-of-state criminal background checks, and determinations of suitability of applicants shall be limited to the Commission and designated personnel.

#### **XIV. Video Lottery Contractor License Conditions**

The approval of any license or the renewal of a license to an agent is subject to the following conditions:

- A. Operation pursuant to a license issued under these regulations shall signify agreement by the licensee to abide by all provisions of these regulations, including those contained in this section.
- B. Licenses shall be valid for a three-year period from date of issuance unless terminated or revoked or Contractor is no longer engaged in a contract with the Commission as a Video Lottery Contractor.
- C. A Video Lottery Central Monitoring Contractor and a Video Lottery Site Operator shall at all times make its premises available for inspection by authorized representatives of the Commission, or any Commonwealth personnel engaged in the enforcement of these regulations or any other Commonwealth law, on a 24-hour unannounced basis. Lottery Commission members or personnel as well as any Commonwealth government personnel engaged in the enforcement of Commonwealth law are authorized entry to the premises and access to any video

lottery machines or records of a Video Lottery Contractor without acquiring a warrant.

- D. The contractor consents to the examination of all accounts, bank accounts, and records under the control of the contractor; and, upon request of the Commission, shall authorize all third parties in possession or control of the said documents to allow the Commission to examine such documents.
- E. To the extent permitted by law, a Contractor accepts all risks of adverse public notice, embarrassment, criticism, damages, or financial loss which may result from any disclosure or publication of material or information supplied to the Commission in connection with the license application.
- F. A Video Lottery Contractor shall immediately notify the Commission of any proposed or effective change regarding the makeup of the owners, directors, officers, partners, or employees of the contractor.
- G. Except to the extent implicated by section V.B. of these regulations, a Video Lottery Contractor shall certify by a sworn notarized statement that it has not entered and does not intend to enter into any joint venture, partnership, independent contractor or teaming agreement in order to fulfill its obligations in connection with the video lottery operations; that it is not acting as a distributor of products manufactured by another entity; and that it has not entered and does not intend to enter into any agreement whereunder the proceeds generated by any agreement between the agent and the Commission would be shared with one or more other persons.
- H. No license granted may be transferred, assigned or pledged as collateral.
- I. No change of ownership or control of a Video Lottery Contractor that occurs after issuance of a license by the Commission shall be allowed without prior approval of the Commission.
- J. Video Lottery Contractors, Officers, Directors and employees are prohibited from participating in Video Lottery wagering in any form or manner.

**XV. Video Lottery Contractor Employee License Conditions**

- A. All Video Lottery Employees must possess a currently valid Video Lottery Contractor Employee License to perform any duties or functions of a Video Lottery Contractor.
- B. Licenses are valid for a two-year period from date of issuance or until employment with the identified Video Lottery Contractor ceases.
- C. Employee must comply with Commonwealth laws and regulations.



- D. Employees must limit their duties to the specific job duties associated with their job description and activity limits associated with their video lottery contractor employer.
- E. Employees may not engage in unauthorized activity associated with the video lottery terminals.
- F. Employees must update license information to reflect any changes that occur during the year.
- G. Video Lottery Contractor Employees are prohibited from participating in Video Lottery wagering in any form or manner.
- H. Video Lottery Contractor Employees must wear license in prominent display on front of shirt area at all times during hours of employment.
- I. Every license issued by the Commission shall bear thereon the distinguishing number assigned to the licensee and shall contain the name and photograph of the licensee. The license shall also contain the name of the sponsoring employer.
- J. The Video Lottery Contractor Employee License is the property of the Commission. The VLT license shall be returned to the Commission if it is suspended, expires, or termination of employment.

**XVI. Denial of License**

- A. If a determination is made to deny a license, the person or entity shall have an opportunity to appeal for reconsideration as identified herein.
- B. Appeal shall be initiated by a party notified that he/she is being denied a license pursuant to the Commonwealth Administrative Procedure Act and Video Lottery Regulation by submitting a request for a hearing to the Commission within ten (10) working days of the receipt of the written notice.
- C. Purpose of the hearing is for the Commission to present reasons for license revocation and opportunity to licensee to refute asserted reasons for revocation or denial and present reasons why the license should not be revoked or denied.
- D. If an applicant desires a hearing, he shall provide the Commission with a written statement within ten days of receipt of the notice of denial which contains the following:
  - 1. A clear and concise assignment of each error which the Commission alleges to have been committed in the tentative determination to deny the license. Each assignment of error should be listed in a separately numbered paragraph.
  - 2. A clear and concise statement of the facts on which the applicant relies in support of each assignment of error.

3. A prayer setting forth the relief sought.
  4. The signature of the applicant verifying that the statements contained in the statement are true.
- E. The appellant shall be given the right to be heard within thirty (30) working days of the receipt of the letter of appeal, unless extenuating circumstances require a longer period.
- F. A written decision shall be rendered by within thirty (30) working days of the hearing unless extenuating circumstances require a longer period. All decisions made under this appeal procedure are final.
- G. Hearing will be conducted by a hearing officer who shall establish appropriate rules and procedures.
- H. Parties will be allowed to present relevant evidence.
- I. A recording of the hearing will be made and retained for a one year period from date of hearing.
- J. A person determined to be unsuitable for licensure pursuant to these Regulations shall be prohibited from reapplying for licensure for a period of twelve (12) months.
- K. Decisions of the hearing officer may be appealed within 30 days of decision to the Commonwealth Superior court.

## **XVII. Enforcement**

- A. The license of a Video Lottery Contractor or Video Lottery Contractor Employee may be suspended or revoked for the following reasons:
1. Failure to file with the Commission the information required pursuant these regulations; and
  2. For cause, such as, but not limited to falsifying any application for license or report to the Commission; failure to report information required by the regulations; the material violation of the regulations; or any conduct by the licensee, or any of its owners, officers, directors, partners, key employees, or video lottery operations employees, which undermines the public confidence in the video lottery system or serves the interest of organized gambling or crime and criminals in any manner.
  3. A license may be revoked for an unintentional violation of any Federal, Commonwealth or local law, rule or regulation provided that the violation is not cured within a reasonable time as determined by the Commission, or a longer period where the video lottery agent has made diligent efforts to cure. For purposes of this provision, the licensee is deemed to be familiar with all the provisions of these regulations and unintentional violations shall not include

violations which the video lottery operator or video lottery terminal supplier asserts are unintentional because of lack of awareness of these regulations. Likewise, for purposes of this provision, diligent efforts to cure shall not constitute a defense to a suspension or revocation of the license arising out of reasons identified above or in situations where the violation would not have occurred had the licensee exercised diligent efforts to comply with the requirements when they were first applicable.

- B. Prior to the revocation or suspension of any license, the Commission shall notify the licensee of the intended revocation or suspension of the license, and the reasons therefore. No revocation or suspension shall be effective until a final order is issued pursuant to the following procedure, except when the public welfare clearly requires emergency action and the Commission's order so states. The notice of the intended revocation or suspension shall comply with any applicable requirements of the Commonwealth Administrative Procedure Act and, at a minimum, afford the licensee with an opportunity for a hearing.
- C. If the licensee desires a hearing, it shall provide the Commission with a written statement within ten days of receipt of the notice which contains the following:
  - 1. A clear and concise assignment of each error which the licensee alleges to have been committed in the tentative determination to suspend or revoke the license. Each assignment of error should be listed in a separately numbered paragraph.
  - 2. A clear and concise statement of the facts on which the licensee relies in support of each assignment of error.
  - 3. A prayer setting forth the relief sought.
  - 4. The signature of the licensee or an officer authorized to request the hearing.
  - 5. A verification by the licensee or counsel for the licensee that the statements contained in the statement are true.
- D. The Commission, with respect to petitions filed by agents and technology providers, shall appoint a hearing officer within a reasonable time of receipt of the statement referenced in the preceding paragraph. Notice of the hearing shall be given at least 20 days before the date it is to be held.
- E. The licensee may appear individually, by legal counsel, or by any other duly authorized representative. In the absence of the licensee, written evidence of a representative's authority shall be presented to the hearing officer in a form satisfactory to the hearing officer.
- F. The licensee or his duly authorized representative, may, with the approval of a hearing officer, waive the hearing and agree to submit the case for decision on the record, with or without a written brief. Such a waiver or agreement shall be in writing and placed in the record.

- G. The licensee shall be given an opportunity for argument within the time limits fixed by the hearing officer following submission of the evidence. The hearing officer, upon request of the licensee, may accept briefs in lieu of argument. The briefs shall be filed within ten days after the hearing date or within such other time as fixed by the hearing officer.
- H. The hearing officer may admit any relevant evidence, except that it shall observe the rules of privilege recognized by law. The hearing officer may exclude any evidence which is irrelevant, unduly repetitious, or lacking a substantial probative effect.
- I. A record shall be made of all hearings and all witnesses shall be sworn and subject to cross examination.
- J. Following the conclusion of the hearing and within ten days of the receipt of the transcript thereof, or within such other time as fixed by the hearing officer but in no event later than forty-five days following the hearing, the hearing officer shall prepare a final decision, including his or her findings of fact and conclusions of law, and the order signed by the hearing officer shall be final. A copy of said order shall be served upon the licensee and any attorney of record in person or by registered or certified mail.

**Commonwealth of the Northern Mariana Islands**  
**Department of Finance**  
**Larrisa Larson, Secretary**  
**Department of Finance,**  
**P.O. Box 5234**  
**Capitol Hill, Saipan MP 96950**  
**Tel. 664-1100**

**PUBLIC NOTICE OF PROPOSED REGULATIONS FOR ELECTRONIC GAMING  
UNDER THE DEPARTMENT OF FINANCE**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**

The Commonwealth of the Northern Mariana Islands, Department Finance, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** The Secretary of Finance ("Secretary") is empowered by statutory authority to adopt required regulations to aid in the implementation of Commonwealth laws. 1 CMC §§ 2553(j) (Department of Finance duties and responsibilities); 2557 (authority to adopt required regulations); 4 CMC § 1901 (authority to adopt regulations for tax administration); 9101-9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act).

**THE TERMS AND SUBSTANCE:** These Rules and Regulations provide for implementation of the Tourism Entertainment and Destination Enhancement Act of 2013" (TEDE Act") as identified in P.L. 18-30 § 1. The specific issues involved are the issuances of licenses, establishment and payment of associated fees, and the regulation of electronic gaming in the Commonwealth.

**THE SUBJECTS AND ISSUES INVOLVED:** These rules and regulations:

1. Address licensing requirements associated with the TEDE Act, establishment of associated fees and their payment
2. The regulation of electronic gaming activities authorized by the TEDE Act.

**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 of the intended action to adopt these proposed regulations 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 Larrisa Larson, Secretary of Finance, at the above address, with the subject line "Electronic Gaming Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).



These proposed regulations were approved by the Secretary on December 9, 2014.

Submitted by:   
LARRISA LARSON  
Secretary of Finance  
Date 12/9/14

Received by:   
ESTHER S. FLEMING  
Governor's Special Assistant for  
Administration  
Date 12/09/14

Filed and  
Recorded by:   
ESTHER SN NESBITT  
Commonwealth Register  
Date 12.18.2014

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 10th day of December 2014.

  
Gilbert J. Birnbrich  
Attorney General

COMMONWEALTH REL TÉÉL FALÚW KKA EFÁNG LÓL MARIANAS  
BWULASIYOL FINANCE  
LARRISA LARSON, SEKKRETÓÓRIYA  
BWULASIYOL FINANCE  
P.O. BOX 5234  
CAPITOL HILL, SAIPAN MP 96950  
TEL. 664-1100

## ARONGORONGOL TOULAP REL POMMWOL MWÓGHUTÚGHÚTÚL ALLÉGH NGÁLI ELECTRONIC GAMING FAAL BWULASIYOL FINANCE

### **MÁNGEMÁNGIL MWÓGHUTÚGHÚT BWE RE BWE ADAPTÁÁLI ALLÉGH ME MWÓGHUTÚGHÚTÚL ALLÉGH:**

Sáangi Commonwealth rel téél falúw kka efáng lól Marianas, Bwulasiyol Finance, e mángemángil re bwe adaptááliy bwe e bwe llégh ló mwóghutúghútúl allégh kka e appasch long bwe pommwol mwóghutúghútúl allégh, sáangi mwóghutúghútúl Administrative Procedure Act, 1 CMC § 9104 (a). E bwe bwung ló mwóghutúghútúl allégh lóll (10) seigh ráll mwiril yaal adaptááliy me arongowoowul merel Commonwealth Register. (1 CMC § 9105 (b)).

**BWÁNGIL:** Eyoor bwángil Sekkretóóriyal Finance (“Secretary”) sáangi bwángil sóulemelem bwe e bwe adaptááliy mwóghutúghútúl allégh bwe e bwe állis rel fféerúl ngáli Commonwealth Laws. 1 CMC §§2553 (j) (Lemelemil me Mwóghutúghútúl Bwulasiyol Finance); 2557 (Bwángil bw e bwe adaptááliy milli kka e ffil rel mwóghutúghútúl allégh); 4 CMC § 1901 (bwángil bwe e bwe adaptááliy mwóghutúghútúl allégh ngáli Tax Administration); 9101-9115 (Mwóghutúghútúl igha re bwe adaptááliy mwóghutúghútúl allégh faal Commonwealth Administrative Procedure Act).

**KKAPASAL ME AWEEWEL:** Allégh me mwóghutúghútúl allégh kkaal nge e bwe ngalleey pommwol rel Tourism Entertainment and Destination Enhancement Act of 2013” (TEDE Act”) iye a bwáá rel P.L. 18-3 § 1. Rel ghoochol kkapasal kka e aschuulong lól nge iisiiwoowul Liseensiya, rel fféerúl me abwóosul Associated Fees, me mwóghutúghútúl allégh ngáli Electronic Gaming me lóll Commonwealth.

**KKAPASAL ME ÓUTOL:** Allégh me mwóghutúghútúl allégh:

1. Kkapasal mwóghutúghútúl allégh ikka aweewe fengáll TEDE Act, fféeril ngáli Associated Fees me yaar abwóos.
2. Mwóghutúghútúl allégh rel fféerúl mwóghutúghútúl ngáli Electronic Gaming sáangi bwángil TEDE Act.

**AFALAFAL REEL AMWEELIL ME ARONGOWOOWUL:** Pommwol allégh kkaal nge re bwe arongoowow me rel Commonwealth Register me leyiiil tánil pommwol me allégh mill ffé kka re adaptááliy bwe mwóghutúghútúl allégh. (1CMC § 9102 (a)(1)) me arongorongol mángemángil re bwe adaptááliy mwóghutúghútúl allégh e bwe appasch tá me civic center me bwulasiyol gobenameento lóll senatorial districts, nge re bwe seláti rel English, Remáraalis me Refaluwasch. (1CMC § 9104 (a) (1))

**ATTOOTOLONGOL MÁNGEMÁNG:** Re bwe akkafang long me ngáre bwughi ló rel Larrisa Larson, Secretary of Finance rel Address ye e iisch weilang, nge e bwe mákk wól róóza "Electronic Gaming Regulations". E bwe atootolong yóómw mángemáng lóll eliigh (30) ráll mwirill arongowoowul. (1 CMC § 9104(a)(1)).

Allégh yel nge a bwung ló sáangi Sekkretóoriya wól Diseembre 09, 2014

Isáliiyallong:   
LARRISA LARSON  
Secretary of Finance

12/16/14  
Ráll

Aramas ye:   
E bwughi ESTHER S. FLEMING  
Governor's Special Assistant for Administration

12/18/14  
Ráll

File me  
Rekoodliiyal:   
ESTHER NESBITT  
Commonwealth Register

12.18.2014  
Ráll

Sáangi 1 CMC § 2153(e) (Allégh kkaal e bwe llégh ló sáangi AG bwe e fil rel fféeruúl) me 1 CMC § 9104 (a)(3) (mwiir sáangi yaar llégh ló me AG) rel pommwol allégh ye re aschuulong bwe ra takkal amweeri fiischiy, me llégh ló fféerúl me legal sufficiency sáangi CNMI Attorney General me e bwe le attotoowow, 1 CMC § 2153(f) (Arongowowul allégh me mwóghutughút).

E aghikkila-tiw December ráll ye wól 16th, 2104.

  
GILBERT J. BIRNBRICH  
Sóubwungúl Allégh Lapalap

**Commonwealth gi Sangkattan na Islas Marianas Siha**

**Department of Finance**

**Larrisa Larson, Sekretária**

**Department of Finance**

**P.O. Box 5234**

**Capitol Hill, Saipan MP 96950**

**Tel: 664-1100**

**NUTISIAN PUBLIKU PUT I MANMAPROPONI NA REGULASION SIHA PARA I ELECTRONIC GAMING GI PAPA' I DEPARTMENT OF FINANCE**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADÁPTA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas siha, i Department of Finance ha intensiona para u adápta kumu petmanenti na regulasion siha ni mañechettun i Manmaproponi na Regulasion, sigun gi manera siha gi Áktun Administrative Procedures 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10) dihas dispues di adáptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

**ÁTURIDÁT:** I Sekretárian i Finance ("Sekretária")nina'i áturidát ni estatua para u adápta i madimánda na regulasion siha para u inayuda gi halum i implementasion i lai siha gi Commonwealth. I 1 CMC §§ 2553(j) (upbligasion yan responsáplidát siha gi Department of Finance); 2557 (áturidát para u adápta i madimánda na regulasion siha); 4 CMC § 1901 (áturidát para u adápta i regulasion para tax administration); 9101-9115 (manera siha para i adáptasion regulasion siha gi papa' i Áktun Commonwealth Administrative Procedure).

**I TEMA YAN I SUSTÁNSIAN I PALÁBRA SIHA:** Esti na Areklamentu yan Regulasion siha ha pribeniyi implementasion gi Tourism Entertainment yan Destination Enhancement Act gi 2013 ("Áktun TEDE") kumu ma'aidentifika gi halum i Lai Puplicu 18-30 § 1. I ispisifikáo na manera siha mañaonáo i linaknus lisensia siha, i inestaplesi yan ápas ni mana'achuli' na ápas siha, yan i regulasion electronic gaming gi halum i Commonwealth.

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA:** Esti na areklamentu yan regulasion siha:

1. Para u ma'atan i dinimándan licensing siha ni manachuli' yan i Áktun TEDE, ni inestaplesin i manachuli' na ápas siha yan i apas-ñiha.
2. I regulasion i electronic gaming na aktibidát siha manma'áturisa ginin i Áktun TEDE.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapublica gi halum i Rehistran Commonwealth gi halum i seksiona gi manmaproponi yan nuebu na manma'adápta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi kumbinienti na lugát siha gi halum i civic center yan gi ufisinan gubietnamentu siha gi kada distritun senadot, parehu i dos na lingguáhi English yan lingguáhin natibu. (1 CMC § 9104(a)(1))

**PARA U MAPRIBENIYI OPIÑON SIHA:** Na'hanágui osino intrega i opiñon-mu guatu gi as Larrisa Larson, Sekretárián Finance gi sanhilu' na address, yan i ráyan suhetu "Regulasion Siha gi Electronic Gaming". Todu opiñon debi na u fanhálum trenta(30) dihas ginin i fetchan i publikasion esti na nutisia. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha manma'aprueba ginin i Sekretaria gi Disembri 9, 2014.

Nina'hulum as:   
LARRISA LARSON  
Sekritarian Finance  
Fetcha

Rinisibi as:   
ESTHER S. FLEMING  
Ispisiat Na Ayudanti Para I Atministrasion Gubietnu  
Fetcha 12/18/14

Pine'lu yan  
Ninota as:   
ESTHER SN. NESBITT  
Rehistran Commonwealth  
Fetcha 12.18.2014

Sigun i 1 CMC § 2153(e) (Inapruedan Abugadu Henerat i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hinentan inapruedan Abugadu Henerat) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manmaprueba kumu fotma yan sufisienti ligat ginin i CNM! Abugadu Henerat yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 10 gi Disembri 2014.

  
Gilbert J. Birnbrich  
Abugadu Henerat



**NORTHERN MARIANA ISLAND ADMINISTRATIVE CODE  
TITLE 70  
DEPARTMENT OF FINANCE REGULATIONS**

**Regulation Title:** Northern Mariana Island Administrative Code  
Title 70 (Department of Finance)  
Chapter 70-40 (Division of Revenue & Taxation)  
Subchapter 40.8 Electronic Gaming Regulation

**The following subchapters shall be added to Title 70; Chapter 70-40; Subchapter 70-40.8:**

**CHAPTER 70-60  
ELECTRONIC GAMING REGULATIONS**

**SUBCHAPTER 70-40.60 ELECTRONIC GAMING REGULATIONS**

**Part 001 General Provisions**

**Section 70-60.1-005 Authority**

Authority for promulgation and issuance of this part is derived from the Commonwealth Code, including but not limited to, 1 CMC §§ 2553(j) (Department of Finance duties and responsibilities); 2557 (authority to adopt regulations regarding matters within Department of Finance's jurisdiction and to provide both civil and criminal penalties for violations); 4 CMC § 1901 (authority to adopt regulations for tax administration); 9101-9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act); 4 CMC § 1503(h); and Public Law 18-30 (Tourism Entertainment and Destination Enhancement Act of 2013).

**Section 70-60.1-010– Purpose and Scope**

The purpose of these regulations is to provide structure for the implementation of Public Law 18-30, the "Tourism Entertainment and Destination Act of 2013" (TEDE Act). Public Law 18-30 exempts electronic games from the definition of "gambling device" if the electronic game is properly licensed. These regulations shall apply to use, purchase, supply or operation of any electronic games.

**Section 70-60.1-015 – Electronic Games**

"Electronic Game" means any electronic gaming machine or electronic table game device (including poker, roulette, baccarat, blackjack, craps, big wheel, slot machines, baccarat, paigow and sic bo; and any variations or composites of such) used for the purpose of playing a game traditionally played at tables, and includes any electronic device through which bets may be placed on a game played at a table. Electronic Game includes a computer or server and any related hardware, software or other devices that are used to conduct gaming, either as a fully automated version or as a semi-automated version where the collection of bets and payout of winnings are automated.

**Section 70-60.1-020– Criminal Penalties**

Public Law 18-30 provides a limited exemption for Electronic Games from the prohibition of gambling in the Commonwealth. An individual who uses, purchases, supplies, or operates electronic games in a manner that is not in compliance with these regulations does not fall under the limited exemption and will be subject to criminal penalties under 6 CMC § 3159.

**Section 70-60.1-025- Violation of Regulations as Grounds for Imposition of Civil Fines and Suspension of Licenses**

Any individual violating these regulations shall be subject to fines and penalties up to \$5,000 per occurrence per day or as otherwise noted. Violations by a licensee of these regulations shall serve as the basis for immediate revocation of the associated license(s).

**Section 70-60.1-030– Age Limit**

No person under the age of 18 years of age may play an Electronic Game. It shall be the duty of an operator of Electronic Games to take steps necessary to enforce this prohibition. An operator's failure to enforce this age limitation shall constitute a violation of these regulations and shall be subject to the criminal and civil penalties provided under these regulations.

**Part 002 Electronic Gaming Licensing**

**Section 70-60.2-005 – Electronic Game License**

To fall within the limited gambling exemption under Public Law 18-30, an Electronic Game must be duly licensed as provided in these regulations ("Electronic Game License"). An Electronic Game License provides the licensee authority to operate the specific Electronic Game as identified in the license for a one-year period from date of issuance. Applications for an Electronic Game License shall be in the manner and form required by the Secretary of Finance.

**Section 70-60.2-010 – Electronic Game Licensing Requirements**

Applications for issuance of an Electronic Game License are limited to parties who have a valid Commonwealth Electronic Game Site Operator's License. Electronic Games submitted for licensing must comply with all applicable standards and be supplied by a Commonwealth Licensed Electronic Game Supplier.

**Section 70-60.2-015– Issuance of Electronic Game License Certification**

Upon issuance of an Electronic Game License by the Commonwealth, a certificate of license shall be issued by the Commonwealth and placed on the front of the Electronic Game. The licensee is responsible for ensuring that the certificate remains on the Electronic Game throughout the term of the license. The license applies only to the specific Electronic Game tested and approved by the Commonwealth and is not transferable. The license certificate shall not be moved, covered, or altered. A fine up to \$5,000 shall be imposed on any party violating these requirements, and shall be basis for suspension and or revocation of any associated license(s).

**Section 70-60.2-020 – Limits on Number and Placement of Electronic Games**

The Secretary of Finance may issue up to one thousand Electronic Game Licenses annually. No more than 100 Electronic Games Licenses may be issued for a single Electronic Game Facility.

**Section 70-60.2-025 – Electronic Game Licensing Fees**

(a) The annual licensing fee for each Electronic Game used in the Commonwealth shall be \$2,500 per year (paid at time of issuance of the license) or fifteen percent of net gaming proceeds (paid monthly), whichever is greater ("Electronic Game License Fee"). The

(b) "Net gaming proceeds" means the total amount of all credits or cash played in an Electronic Game minus the credits or cash paid out directly by the Electronic Game.

(c) An Electronic Game Operator must submit a written monthly report to the Department of Finance. The report shall provide details of the net gaming proceeds for each licensed Electronic Game and shall be submitted by the 5th day of the following month.

**Section 70-60.2-030 – Transfer of Electronic Gaming License Fees to Commonwealth**

1. The fees owed to the Commonwealth for Electronic Gaming Licenses shall be electronically transferred to the Commonwealth no later than 9 a.m. of the fifteenth day of the month following when they are earned.
2. Electronic Gaming Licensing fees shall be deposited according to specific procedures identified by the Department of Finance.
3. Failure to timely deposit the fees will be grounds for imposition of a one thousand dollar (\$1,000) fine for every hour or portion thereof in violation of this requirement in depositing the funds and shall also serve as grounds for immediate suspension of all associated Electronic Gaming Licenses.

**Section 70-60.1-035 – Electronic Game Standards**

Only Electronic Games that comply with all standards as identified in Commonwealth regulations shall be licensed. Electronic Games must comply with the most current applicable standards as established by Gaming Laboratories International ("GLI") including, but not limited to GLI 23 or GLI 24 and maintain these and all other applicable standards at all times.

**Section 70-60.1-040 - Communications Protocol**

All Electronic Game Site Operators and Electronic Games used in the Commonwealth must include and maintain a slot accounting system ("SAS") that complies with GLI Standard 13 version 2.1 or higher (i.e., more recent) and monitors all gaming activity and allows unlimited remote access per Commonwealth requirements.

**Section 70-60.1-045 – Manufacturing Date**

No Electronic Games in the Commonwealth may have a manufacturing date before January 1, 2006. The term "manufacturing date" is defined as the date that the Electronic

Game was initially assembled by the original manufacturer and must maintain all original manufacturer parts or parts approved by the original manufacturer.

**Section 70-60.1-050–Testing of Electronic Games**

All Electronic Games proposed for use, sale, licensing, or distribution in the Commonwealth shall be tested by the Commonwealth to ensure compliance with all applicable standards ("Electronic Game Testing"). All costs for testing of Electronic Games shall be in addition to any license fees and shall be borne by the Applicant and shall be paid in full prior to release of test results or issuance of an Electronic Game License.

**Section 70-60.1-055– Return on Wagers**

All Electronic Games in the Commonwealth must provide a return on wagers of between eighty-eight percent (88%) to ninety-seven percent (97%) ("Return on Wagers") and be reflected as such in certification, verification, and testing of the Electronic Game by the Commonwealth at all times. Once the Return on Wagers is established for a specific Electronic Game and certified by the Commonwealth it must be maintained at all times until authorized in writing and subject to further certification to be changed. The Return on Wagers ("Return on Wager Display") for each Electronic Game must be prominently displayed at using one inch lettering on the front of any Electronic Game licensed by the Commonwealth for use in Electronic Gaming Activity.

### **Section 70-60.1-60– Maintenance of Electronic Game Standards**

All Electronic Games in the Commonwealth must continuously comply with all standards established in these regulations. All Electronic Games shall be subject to continuous electronic monitoring and random testing by the Commonwealth to ensure continuing compliance with GLI Standards. Any Electronic Game that fails to maintain constant compliance with GLI and Commonwealth standards shall have the associated Electronic Gaming License immediately suspended and removed from use. Any violation of this requirement may result in fines up to \$1,000 per hour and grounds for immediate suspension of the site operator's license and operation of all Electronic Games.

### **Section 70-60.2-065 - Electronic Game Site Operator**

The term "Electronic Game Site Operator" is defined as a party who has been issued a license by the Commonwealth to operate "Electronic Gaming Activity" at one specific site that complies with Commonwealth requirements ("Electronic Game Site Requirements").

### **Section 70-60.2-070 - Electronic Game Site Operator License**

All Electronic Game Site Operators must be licensed by the Commonwealth. In order to provide an adequate base for support of Electronic Game Sites and to allow for proper monitoring of this activity, only ten Electronic Game Site Licenses will be issued at any given time. The annual license fee for an Electronic Game Site Operator shall be one hundred thousand dollars (\$100,000) or one percent of net gaming proceeds whichever is greater (collectively, "Game Site Operator License Fee"). An Electronic Game Site Operator License shall be valid for a five (5) year period with annual reviews. The purpose of the annual review will be to evaluate the Electronic Game Site Operators compliance with all terms and conditions of the Electronic Game Site Operator License.

In order to promote competition and the establishment of a viable Electronic Game activity, no individual may have a significant interest in more than two Electronic Game Sites. As used in this regulation, the term "significant interest" means any form of ownership, control, consulting contract, officer, director, agent interest, or lease arrangement. All significant interests of any Electronic Site Operator must be fully disclosed in the application documents. Any violation of this requirement or undisclosed interests will be grounds for immediate suspension and initiation of license revocation procedures.

### **Section 70-60.2-075--Selection of Electronic Game Site Operator Licensees**

Award of the ten Electronic Game Site Operator Licensees shall be through the use of a public request for proposal evaluation process in order to determine which proposals ("Proposals") would be in the best interest of the Commonwealth. Applicants for a license as Electronic Game Site Operator shall complete all required forms requested by the Commonwealth and provide the following information, without limitation:

1. The Applicant's legal name, form of entity (e.g., general or limited partnership, corporation), the names, addresses, employer identification or social security numbers (if applicable or alternatively, if not applicable, passport numbers) and dates of birth



(if applicable) of its directors, officers, partners, owners, and Electronic Game Site operations employees.

2. A description of the Applicant's organizational structure and a copy of current organizational documents and any subsequent amendments.
3. With respect to any entities named in subparagraph (1) that are not individuals, the names, addresses, social security numbers, and birth dates of all individuals who are directors, officers, owners, partners, key employees, or Electronic Game operations employees of any such entity.
4. The percentages of shares of stock, if any, held by each person named in subparagraph (1) or subparagraph (3) above.
5. The names of all persons principally involved in the original creation of the Applicant's enterprise.
6. The names, if any, and addresses, social security numbers, and dates of birth of any person who is or was a director, officer, owner, partner, employee of the Applicant who has been charged with or convicted of a felony, a crime involving gambling, dishonesty, or moral turpitude.
7. Certified copies of the applicant's charter, articles of incorporation, partnership agreement, and other documents which constitute or explain the legal organization of the applicant.
8. Copies of the applicant's Commonwealth or United States tax returns for the three (3) most immediate previous fiscal years.
9. Copies of the declaration pages of all insurance policies insuring the applicant.
10. Disclosure regarding the applicant or any other persons identified in subparagraphs (1) or (3) who were rejected for any gambling or gaming license or permit in any other jurisdiction.
11. Current tax clearance (issued within 30 days of date of application) from the Commonwealth Department of Revenue & Taxation.
12. Any and all other information as the Commonwealth may require to determine the competence, honesty and integrity of the applicant.
13. Authorized disclosure and release forms;
14. Identification of all gaming experience;
15. Proposed insurances and bonds;
16. Proposal submissions to the Commonwealth by or on behalf of the applicant for purposes of determining the qualifications of the applicant or agent, shall be sworn to or affirmed before a notary public. If any form or document is signed by an attorney for the applicant, the signature shall certify that the attorney has read the forms or documents and that, to the best of his or her knowledge, information and belief, based on diligent inquiry, the contents of the form or documents so supplied are true.
17. Upon request of the Commonwealth, the applicant shall supplement the information provided in the application form as deemed necessary by the Commonwealth.
18. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, cancelled checks or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the applicant or agent.
19. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or

incomplete, the applicant shall so notify the Commonwealth in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.

20. The applicant shall cooperate fully with the Commonwealth and its representatives or agents with respect to its background investigation of the applicant. Among other things, the applicant, upon request, shall make available any and all of its books or records for inspection by the Commonwealth or its representatives.
21. To the extent provided by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Commonwealth Freedom of Information Act.
22. Proposers shall pay for all costs associated with proposal review and shall deposit an initial amount of five thousand dollars (\$5,000) as deposit ("Deposit") at time of submission of the proposal for these expenses at time of submission of the application which the Commonwealth may draw upon as required. The Commonwealth shall provide Applicant with monthly report on all expenses charged against the Deposit. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Any balance of the Deposit shall be returned to the Applicant.
23. The applicant must provide specific details on the proposed site. The information that must be provided regarding the proposed site includes the following:
  - a. conceptual design;
  - b. gaming credentials and past experience of licensed architect or engineer that will design facility and stamp plans so as to assure that they meet or exceed most current gaming facility design standards.
  - c. gaming machine layout;
  - d. cashier areas;
  - e. Security issues
  - f. customer amenities;
  - g. description of fixtures and finishes;
  - h. HVAC and electrical considerations
  - i. Lighting;
  - j. Electrical services;
  - k. Video monitoring system;
  - l. Fixtures and finishes;
  - m. Parking;
  - n. Compliance with applicable building and safety codes;
  - o. Integration of central control requirements; and
  - p. Fixture replacement program.
24. Proposed Business Plan which shall describe the plan of operation for the proposed Gaming Facility Site including discussion of the following issues:
  - a. Identification of proposed site;
  - b. Gaming facility acoustics
  - c. Smoking areas
  - d. Electronic Game repair and storage area
  - e. Secure counting room

- f. Electronic cashier services;
- g. Fire protection;
- h. Emergency power;
- i. Lighting;
- j. Flooring;
- k. Documentation of site control;
- l. Cashier services plan;
- m. Electronic game repair and maintenance services plan;
- n. Video monitoring plan;
- o. Integration of food and beverages;
- p. Security plan;
- q. Proposed games;
- r. Proposed suppliers;
- s. Other entertainment activities;
- t. Customer amenities;
- u. Bonus systems;
- v. Progressive gaming
- w. Gaming promotion/Advertising;
- x. Gaming Site Management Structure;
- y. Time schedule for implementation;
- z. Proposed staffing;
- aa. Facility maintenance and replacement plan.

**Section 70-60.2-080–Duties of Electronic Game Site Operator**

The duties of an Electronic Game Site Operator in the Commonwealth are as follows:

1. Compliance with all laws and regulations of the Commonwealth and the United States and particularly the requirements associated with Electronic Gaming in the Commonwealth.
2. Compliance with proposal elements as established in the license issued by the Commonwealth.
3. Maintenance of proper conduct at Gaming Site consistent with the promotion of gaming.
4. Provision of adequate maintenance of gaming facility to meet the highest standard of appearance and repair so as to promote continuous growth of tourism related gaming in the Commonwealth.
5. Provision of adequate security at the Gaming Facility so as to ensure patron protection, security of all gaming funds, promotion of gaming, public trust and integrity of gaming activity.
6. Dutiful compliance with required payments to the Commonwealth;
7. Provision of financial security acceptable to the Commonwealth;
8. Exceptional customer services.
9. Continued annual growth of gaming as measured by net gaming proceeds.
10. Control of costs so as to maintain viability of gaming operations.
11. Take required steps to prevent tampering or unauthorized access to Electronic Games
12. Only permit authorized individuals to access Electronic Games.

13. Adequate supervision and control of staff so as to ensure proper licensing, protection of integrity of gaming activities, and promotion of tourism related gaming.
14. Continuous operational capacity of at least 95% of all licensed Electronic Games located at the Electronic Game Site and available for public use twenty-four hours a day, three hundred and sixty-five days per calendar year.
15. The licensee shall at all times make its premises available for inspection by authorized representatives of the Commonwealth or the Commonwealth personnel, on a 24-hour unannounced basis.
16. Commonwealth agents shall be authorized entry to the premises and access to any electronic gaming machines or records of the agent without acquiring a warrant.
17. The licensee shall consent in writing to the examination of all records and, upon request of the Commonwealth, shall authorize all third parties in possession or control of the said documents to allow the Commonwealth to examine such documents.
18. To the extent permitted by law, a licensee accepts all risks of adverse public notice, embarrassment, criticism, damages, or financial loss which may result from any disclosure or publication of material or information supplied to the Commonwealth in connection with the license application.
19. A licensee shall immediately notify the Commonwealth of any proposed or effective change regarding the makeup of the owners, directors, officers, partners, or employees of the contractor.
20. A licensee shall certify by a sworn notarized statement that it has not entered and does not intend to enter into any joint venture, partnership, independent contractor or teaming agreement in order to fulfill its obligations in connection with electronic gaming operations and that it has not entered and does not intend to enter into any agreement whereunder the proceeds generated by any agreement between the agent and the Commonwealth would be shared with one or more other persons.
21. No license granted may be transferred, assigned or pledged as collateral.
22. No change of ownership or control of a licensee that occurs after the Commonwealth has issued a license shall be allowed without prior consent of the Commonwealth.
23. Electronic Gaming Operator, Officers, Directors and employees are prohibited from participating in electronic gaming wagering in any form or manner

**Section 70-60.2-085- Electronic Game Site Operator License Fee**

1. The annual licensing fee for an Electronic Game Site Operator shall be a minimum fee of one hundred thousand dollars (\$100,000) ("Minimum Fee") or one percent of net winnings ("1% License Fee"), whichever is greater. Payment of the Minimum Fee shall be payable in full at time of granting of the license.
2. Once total annual net gaming proceeds of the associated site exceed ten million dollars (\$10,000,000) the 1% License Fee shall be due and payable to the Commonwealth on any net gaming proceeds that exceed this amount and shall be paid monthly at 8a.m. on the first day of the month following the month in which



it is earned and in a manner that is in full compliance with Commonwealth directives.

3. Late payments of the 1% License Fee shall be penalized by a fine of one thousand dollars for every hour or portion thereof that the payment is late and shall be grounds for immediate suspension of all associated Electronic Gaming Licenses.

**Section 70-60.2-090 – Electronic Game Supplier License**

Specified equipment used in Electronic Gaming in the Commonwealth may only be imported into the Commonwealth by a Commonwealth licensed Electronic Game Supplier and offered for sale, lease, or use by an Electronic Gaming Site Operator.

1. Applicants for a license as Electronic Game Supplier shall complete all required forms requested by the Commonwealth and provide the following information, without limitation:
  - a. The applicant's legal name, form of entity (e.g., general or limited partnership, corporation), the names, addresses, employer identification or social security numbers (if applicable or alternatively, if not applicable, passport numbers) and dates of birth (if applicable) of its directors, officers, partners, owners, and Electronic Game Supplier employees.
  - b. A description of the applicant's organizational structure and a copy of current organizational documents and any subsequent amendments.
  - c. With respect to any entities named in subparagraph (1) that are not individuals, the names, addresses, social security numbers, and birth dates of all individuals who are directors, officers, owners, partners, key employees, or Electronic Game operations employees of any such entity.
  - d. The percentages of shares of stock, if any, held by each person named in subparagraph (1) or subparagraph (3) above.
  - e. The names of all persons principally involved in the original creation of the applicant's enterprise.
  - f. The names, if any, and addresses, social security numbers, and dates of birth of any person who is or was a director, officer, owner, partner, employee of the applicant who has been charged with or convicted of a felony, a crime involving gambling, dishonesty, or moral turpitude.
  - g. Certified copies of the applicant's charter, articles of incorporation, partnership agreement, and other documents which constitute or explain the legal organization of the applicant.
  - h. Copies of the applicant's Commonwealth or United States tax returns for the three (3) most immediate previous fiscal years.
  - i. Copies of the declaration pages of all insurance policies insuring the applicant.
  - j. Disclosure regarding the applicant or any other persons identified in subparagraphs (1) or (3) who were rejected for any gambling or gaming license or permit in any other jurisdiction.
  - k. Current tax clearance (issued within 30 days of date of application) from the Commonwealth Department of Revenue & Taxation.
  - l. Any and all other information as the Commonwealth may require to determine the competence, honesty and integrity of the applicant.
  - m. Authorized disclosure and release forms.



- n. Proposed insurances and bonds.
  - o. Identification of all gaming experience including the identification of the following:
    - (1) History of gaming activity in the past ten years
    - (2) Sites where applicant is currently conducting gaming activities;
    - (3) Types of game hardware and software currently in use;
  - p. Proposed Business Plan identifying the following:
    - (1) Proposed gaming hardware and software and associated equipment;
    - (2) Communications protocol;
    - (3) Compliance with GLI standards
    - (4) Proposed suppliers;
    - (5) Sites where equipment is currently being used
    - (6) Date of manufacture of proposed Electronic Games;
    - (7) Game maintenance systems and staffing; and
    - (8) Promotion of gaming growth;
2. The application, as well as other documents submitted to the Commonwealth by or on behalf of the applicant for purposes of determining the qualifications of the applicant or agent, shall be sworn to or affirmed before a notary public. If any form or document is signed by an attorney for the applicant, the signature shall certify that the attorney has read the forms or documents and that, to the best of his or her knowledge, information and belief, based on diligent inquiry, the contents of the form or documents so supplied are true.
  3. Upon request of the Commonwealth, the applicant shall supplement the information provided in the application form as deemed necessary by the Commonwealth.
  4. The applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the applicant or agent.
  5. To the extent, if any, that the information supplied in the application or otherwise supplied by the applicant or on the applicant's behalf, becomes inaccurate or incomplete, the applicant shall so notify the Commonwealth in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
  6. The applicant shall cooperate fully with the Commonwealth and its representatives or agents with respect to its background investigation of the applicant. Among other things, the applicant, upon request, shall make available any and all of its books or records for inspection by the Commonwealth or its representatives.
  7. To the extent provided by law, any information obtained pursuant to this Section shall be held in confidence and not subject to the Commonwealth Freedom of Information Act.
  8. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of two thousand dollars (\$2,000) as deposit ("Deposit") for these expenses at time of submission of the application which the Commonwealth may draw upon as required. The Commonwealth shall provide Applicant with monthly report on all expenses charged against the Deposit. If expenses exceed the amount of

Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Upon issuance of license or denial, any balance of the Deposit shall be returned to the Applicant.

**Section 70-60.2-095 – Sales of Electronic Game Equipment**

1. Specified equipment ("Specified Electronic Game Equipment") used in association with Electronic Gaming in the Commonwealth may only imported by and offered for sale, lease or use by an Electronic Game Supplier licensed to Commonwealth Licensed Electronic Game Site Operators or a licensed Electronic Game Site Operator for exclusive use in his licensed facility.
2. Importation of Electronic Games by parties who are not licensed by the Commonwealth as an Electronic Game Supplier or an Electronic Game Site Operator (as limited herein) is strictly prohibited.

**Section 70-60.2-100 – Electronic Gaming Site Operator and Electronic Game Supplier License Application Review**

1. Upon determination by the Commonwealth that the application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the Electronic Gaming Site Operator and Electronic Game Supplier License applicant ("Applicant") and report its findings.
2. The Commonwealth shall weigh the following factors in the evaluation of the application:
  - a. The criminal background, if any, of the Applicant, or any of its officers, directors, partners, owners, and employees. No license shall be issued to any applicant if any of the persons identified in this subsection have been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
  - b. The extent to which, if any, the Applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the Applicant, including a mortgage or other lien against property of the Applicant or, who in the opinion of the Commonwealth, might otherwise influence its activities. In such case the Commonwealth shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the applicant.
  - c. The degree to which the Applicant has demonstrated its ability to finance the proposed operations, as well as the source of such financing.
  - d. The degree to which the Applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
  - e. Whether the Applicant has demonstrated the business ability and experience necessary to satisfactorily conduct the Electronic Game operations.
  - f. The extent to which the Applicant has cooperated with the Commonwealth in connection with the background investigation.
  - g. Whether the person, or any of its officers, directors, partners, owners, key employees, or employees are known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of commonwealth Electronic Gaming.

- h. With respect to any past conduct which may adversely reflect upon the Applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the Applicant's fitness for the license.
  - i. The extent, if any, to which the Applicant has failed to comply with any applicable tax laws of the United States, Commonwealth or other governments or agencies.
  - j. Any other information before the Commonwealth, including substantially similar background investigations performed by other agencies or jurisdictions, which relates to the Applicant's competency, financial capability, honesty, integrity, reputation, habits, or associations.
  - k. The proposed Business Plan
  - l. The proposed Electronic Gaming Site Facility Design (limited to Electronic Game Site Operator applicants).
  - m. Proposed insurances and bonds.
3. A license shall be issued to the applicant if the Commonwealth is satisfied, upon consideration of the factors specified herein that the applicant would be a fit licensee and not pose a threat to the public interest or the effective control of electronic games in the Commonwealth.

**Section 70-60.2-105--Electronic Game Site Operator and Electronic Game Supplier Employee License Requirements**

- 1. Only employees of an Electronic Game Operator Employee or Electronic Game Supplier who have been licensed and authorized to perform specified Electronic Game Services may perform the functions specified herein.
- 2. The following services of an Electronic Game Supplier or Electronic Game Site Operator are limited to individuals licensed as an "Electronic Game Technician" or "Electronic Game Technician Manager":
  - a. access to the internal area of an Electronic Game;
  - b. Performance of maintenance or repair of an Electronic Game;
  - c. Movement of an Electronic Game;
  - d. Testing of an Electronic Game;
  - e. Management of services of Electronic Game Technicians,"
  - f. Repair or maintenance of change machines or cashless gaming systems.
- 3. The following services are limited to employees of an Electronic Game Site Operator who are licensed as an "Electronic Game Cashier" or "Electronic Game Cashier Manager":
  - a. Handling of Electronic Gaming Funds;
  - b. Providing change, money exchange, or cashier services to Electronic Gaming Patrons.
- 4. The employer of individuals licensed as an Electronic Game Cashier or Electronic Game Cashier Manager must provide a \$100,000 bond payable to the Commonwealth upon any claim for willful or negligence performance of duties.

5. The following services are limited to employees of an Electronic Game Supplier who are licensed as a "Electronic Game Supplier Agent:" Act as representative or agent of Electronic Game Supplier.
6. The following services of an Electronic Game Supplier or Electronic Game Site Operator are limited to individuals licensed as an "Electronic Game Site Manager" or "Electronic Game Supplier Manager":
  - a. Management of Electronic Game Technicians and Electronic Game Technician Managers;
  - b. Management of Electronic Game Site Operator Cashiers;
  - c. Management of Electronic Game Supplier Agents

**Section 70-60.2-110 – Electronic Game Site and Electronic Game Supplier Employee License Application**

1. Applicants for a license as:
  - a. Electronic Game Technician;
  - b. Electronic Game Technician Manager;
  - c. Electronic Game Cashier;
  - d. Electronic Game Cashier Manager
  - e. Electronic Game Supplier Agent;
  - f. Electronic Game Supplier Agent Manager
  - g. Electronic Game Site Manager

("Electronic Gaming Employee Applicant" or "Applicant") shall apply to the Commonwealth for the respective licenses on specified forms and shall provide the following, without limitation:

- a. Name;
  - b. Address of residence;
  - c. Driver's License or Passport;
  - d. Last two years of income tax returns;
  - e. Telephone number;
  - f. e-mail address;
  - g. any previous name used;
  - h. Arrest record;
  - i. Identification of any prior criminal convictions;
  - j. Education level;
  - k. Any creditor or bankruptcy proceedings;
    - l. Current tax clearance (issued within 30 days of date of application) from Commonwealth Department of Revenue & Taxation;
  - m. Fingerprints;
  - n. Employment history;
  - o. Authorized disclosure and release forms; and
  - p. Identification of all gaming experience.
2. Upon request of the Commonwealth, the Applicant shall supplement the information provided in the application form as deemed necessary. The Applicant shall furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, tax returns, or other materials required or requested by the Commonwealth for purposes of determining the qualifications of the Applicant.



3. To the extent, if any, that the information supplied in the application or otherwise supplied by the Applicant or on the Applicant's behalf, becomes inaccurate or incomplete, the Applicant shall so notify the Commonwealth in writing as soon as he or she is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the inaccuracy or incompleteness of the information.
4. The Applicant shall cooperate fully with the Commonwealth and representatives with respect to its background investigation of the applicant.
5. Applicant shall pay for all costs associated with License application and shall deposit an initial amount of two hundred dollars (\$100) as deposit ("Deposit") for these expenses at time of submission of the application which the Commonwealth may draw upon as required. If expenses exceed the amount of Deposit, Applicant will be required to reimburse the Commonwealth for these additional expenses. Upon issuance of license or denial, any balance of the Deposit shall be returned to the Applicant.

**Section 70-60.2-120 – Electronic Game Employee License Application Review**

1. As soon as the Commonwealth has determined that the Electronic Gaming Employee application is complete, it shall, as soon as practicable, undertake and complete the background investigation of the Applicant and report its findings.
2. The Commonwealth shall weigh the following factors in his or her evaluation of the application:
  - a. The criminal background, if any, of the Applicant. No license shall be issued to any applicant who has been convicted, within 10 years prior to the filing of the application, of any felony, a crime of moral turpitude, gambling, or dishonesty.
  - b. The extent to which, if any, the applicant would be subject to the control or influence of its activities by any person having a financial interest pertaining to the applicant, including a mortgage or other lien against property of the applicant or, who in the opinion of the Commonwealth, might otherwise influence his or her activities. In such case the Commonwealth shall consider the character, honesty and integrity of whoever has the ability to control or influence the activities of the Applicant.
  - c. The degree to which the Applicant has supplied accurate and complete information pursuant to the requirements of these regulations.
  - d. The extent to which the Applicant has cooperated with the Commonwealth and the Commonwealth in connection with the background investigation.
  - e. Whether the Applicant is known to associate with persons of nefarious backgrounds or disreputable character such that the association could adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the lottery.
  - f. With respect to any past conduct which may adversely reflect upon the Applicant, the nature of the conduct, the time that has passed since the conduct, the frequency of the conduct and any extenuating circumstances that affect or reduce the impact of the conduct or otherwise reflect upon the Applicant's fitness for the license.





1. If a determination is made to deny a license, the person or entity shall have an opportunity to appeal for reconsideration as identified herein.
2. Appeal shall be initiated by a party notified that he/she is being denied a license pursuant to the Electronic Gaming Regulations by submitting a request for a hearing to the Commonwealth within ten (10) working days of the receipt of the written notice.
3. Purpose of the hearing is for the Commonwealth to present reasons for license revocation and opportunity to licensee to refute asserted reasons for revocation or denial and present reasons why the license should not be denied.
4. If an Applicant desires a hearing, he shall provide the Commonwealth with a written statement within ten days of receipt of the notice of denial which contains the following:
  - a. A clear and concise assignment of each error which the Commonwealth alleges to have been committed in the tentative determination to deny the license. Each assignment of error should be listed in a separately numbered paragraph.
  - b. A clear and concise statement of the facts on which the Applicant relies in support of each assignment of error.
  - c. A prayer setting forth the relief sought.
  - d. The signature of the Applicant verifying that the statements contained in the statement are true.
5. The appellant shall be given the right to be heard within thirty (30) working days of the receipt of the letter of appeal, unless extenuating circumstances require a longer period.
6. A written decision shall be rendered by within thirty (30) working days of the hearing unless extenuating circumstances require a longer period. All decisions made under this appeal procedure are final.
7. Hearing will be conducted by a hearing officer who shall establish appropriate rules and procedures.
8. Parties will be allowed to present relevant evidence.
9. A recording of the hearing will be made and retained for a one year period from date of hearing.
10. A person determined to be unsuitable for licensure pursuant to these Regulations shall be prohibited from reapplying for licensure for a period of twelve (12) months.
11. Decisions of the hearing officer may be appealed within 30 days of decision to the Commonwealth Superior court.

**Section 70-60.2-135 – License Suspension and Revocation**

1. The license of an Electronic Game Site Operator ; Electronic Game Supplier; or Electronic Game Employee ("licensee") may be suspended or revoked for the following reasons:
  - a. Failure to file with the Commonwealth the information required pursuant these regulations; and
  - b. For cause, such as, but not limited to falsifying any application for license or report to the Commonwealth; failure to report information required by the regulations; the material violation of the regulations; or any conduct by the

licensee, or any of its owners, officers, directors, partners, key employees, or Electronic Game operations employees, which undermines the public confidence in the Electronic Game system or serves the interest of organized gambling or crime and criminals in any manner.

- c. A license may be revoked for an unintentional violation of any Federal, or Commonwealth law or regulation provided that the violation is not cured within a reasonable time as determined by the Commonwealth, or a longer period where the Electronic Game agent has made diligent efforts to cure. For purposes of this provision, the licensee is deemed to be familiar with all the provisions of these regulations and unintentional violations shall not include violations which the licensee asserts are unintentional because of lack of awareness of these regulations. Likewise, for purposes of this provision, diligent efforts to cure shall not constitute a defense to a suspension or revocation of the license arising out of reasons identified above or in situations where the violation would not have occurred had the licensee exercised diligent efforts to comply with the requirements when they were first applicable.
2. Prior to the revocation or suspension of any license, the Commonwealth shall notify the licensee of the intended revocation or suspension of the license, and the reasons therefore. No revocation or suspension shall be effective until a final order is issued pursuant to the following procedure, except when the public welfare clearly requires emergency action and the Commonwealth's order so states. The notice of the intended revocation or suspension shall afford the licensee with an opportunity for a hearing.
3. If the licensee desires a hearing, it shall provide the Commonwealth with a written statement within ten days of receipt of the notice which contains the following:
  - a. A clear and concise assignment of each error which the licensee alleges to have been committed in the tentative determination to suspend or revoke the license. Each assignment of error should be listed in a separately numbered paragraph.
  - b. A clear and concise statement of the facts on which the licensee relies in support of each assignment of error.
  - c. A prayer setting forth the relief sought.
4. The signature of the licensee or an officer authorized to request the hearing.
5. A verification by the licensee or counsel for the licensee that the statements contained in the statement are true.
6. The Commonwealth shall appoint a hearing officer within a reasonable time of receipt of the statement referenced in the preceding paragraph. Notice of the hearing shall be given at least 20 days before the date it is to be held.
7. The licensee may appear individually, by legal counsel, or by any other duly authorized representative. In the absence of the licensee, written evidence of a representative's authority shall be presented to the hearing officer in a form satisfactory to the hearing officer.
8. The licensee or his duly authorized representative, may, with the approval of a hearing officer, waive the hearing and agree to submit the case for decision on the record, with or without a written brief. Such a waiver or agreement shall be in writing and placed in the record.

9. The licensee shall be given an opportunity for argument within the time limits fixed by the hearing officer following submission of the evidence. The hearing officer, upon request of the licensee, may accept briefs in lieu of argument. The briefs shall be filed within ten days after the hearing date or within such other time as fixed by the hearing officer.
10. The hearing officer may admit any relevant evidence, except that it shall observe the rules of privilege recognized by law. The hearing officer may exclude any evidence which is irrelevant, unduly repetitious, or lacking a substantial probative effect.
11. A record shall be made of all hearings and all witnesses shall be sworn and subject to cross examination.
12. Following the conclusion of the hearing and within ten days of the receipt of the transcript thereof, or within such other time as fixed by the hearing officer but in no event later than forty-five days following the hearing, the hearing officer shall prepare a final decision, including his or her findings of fact and conclusions of law, and the order signed by the hearing officer shall be final. A copy of said order shall be served upon the licensee and any attorney of record in person or by registered or certified mail.

## **Part 003 Electronic Gaming Operation**

### **Section 70-60.3-005—Central Monitoring of Electronic Gaming Activity**

All Electronic Games used in the Commonwealth shall be subject to continuous monitoring by a centralized accounting system that complies with GLI Standard 13 version 2.1 ("Centralized Monitoring System"). The Commonwealth shall be permitted to have unlimited remote access to this system at all times per requirements of the Commonwealth.

Any Electronic Game that fails to maintain proper communications with an implemented Centralized Monitoring System may have the associated Electronic Gaming License suspended and immediately removed from service by the Commonwealth. Any violation of this requirement may result in fines up to one thousand dollars (\$1,000) per hour and grounds for immediate suspension of the site operator's license and all associated Electronic Game activity.

### **Section 70-60.3-010--Central Monitoring of Electronic Gaming User Fees**

[Reserved]

### **Section 70-60.3-015 – Video Surveillance Requirements**

Electronic Game Site Operators are required to install and maintain a video surveillance system that continuously monitors and records every Electronic Game on the premises and all cashier areas ("Video Surveillance System"). The Video Surveillance system must meet standards established by the Commonwealth to ensure financial security of funds, maintain security in the gaming site, prevent unauthorized tampering with Electronic Games and provide a record of activities ("Recordings"). The Recordings shall be kept for a ninety-day (90) period and available to the Commonwealth for their



needs. The Video Surveillance System shall provide the Secretary of Finance with the access to a connection for real time monitoring of all Electronic Gaming activity.

**Section 70-60.3-020 – Unauthorized Access to Electronic Games**

Electronic Game Site Operators shall develop and implement written procedures for limiting access to Electronic Games. These requirements shall permit limited access to patrons for usual game functions, but strictly monitor and prohibit any attempt by anyone to tamper with an Electronic Game or have internal access to Electronic Games. No one shall have access to the inside of an Electronic Game unless licensed by the Commonwealth to do so and duly authorized by that license. Individuals licensed by the Commonwealth as Cashiers shall have limited authority to access revenue collection areas of the Electronic Game. Individuals licensed by the Commonwealth as Electronic Game Technicians shall have limited access to the internal area of an Electronic Game. Violations of these restrictions may result in fines up to \$5,000 per occurrence and shall be grounds for suspension of an Electronic Game Site Operator license.

**Section 70-60.3-025– Cashless System**

At the Electronic Game Site Operator's option, Electronic Gaming activity may use a "cashless system" as defined and according to the standards established in GLI Standard GLI 16. A "cashless system" is one in which patrons to play Electronic Games through the use of a magnetic strip player card which accesses a player's account at host system at the gaming establishment ("Host") as described in GLI 16.

**Section 70-60.3-030–Kiosks**

Commonwealth Electronic Game Site Operators may use patron interface units ("Kiosks") as defined and according to standards established by Gaming Laboratories International Standard GLI-20. The services that may be offered by these Kiosks are limited to issuance of payments as interfaced with Electronic Games; bill breaking, promotional point redemption, and information reporting.

**Section 70-60.3-035– Progressive Gaming System**

Electronic Gaming in the Commonwealth can include the use of Progressive Gaming. The term "Progressive Gaming System" refers to a system in which an increasing winning pool in which multiple electronic game devices are linked at one Electronic Gaming Site (i.e., single site) are linked to a common increasing winning pool. Any Progressive Gaming System must comply with GLI Standard GLI-12 for a Multiple Gaming Device (Linked) Progressive.

**Section 70-60.3-040– Promotional Systems**

Electronic Gaming activity in the Commonwealth may include promotional systems as defined in GLI Standard GLI-18 and according to the standards contained therein. As defined, "Promotional Systems" are gaming devices that are configured to participate electronically communicated promotional award payments from a host system and the host system control the promotional award issuance parameters. Promotional awards entitle players to special awards based on patron play activity.



**Section 70-60.3-045 – Bonus Systems**

Electronic Gaming in the Commonwealth may include Bonus systems as defined and per the requirements of GLI Standard GLI-17. "Bonus Systems" are comprised of gaming devices that are configured to participate in electronically communicated bonus award payments from a host system



Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
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Capitol Hill, Saipan, MP 96950  
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Email: [bpl@pticom.com](mailto:bpl@pticom.com)

NOTICE OF PROPOSED AMENDMENTS TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD  
REGULATIONS FOR LICENSED BACCALAUREATE SOCIAL WORKER,  
LICENSED MASTER' SOCIAL WORKER AND LICENSED CLINICAL SOCIAL WORKER

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to allow applicants to apply and get approval from the Board to take the social workers national uniform examinations administered by the Association of Social Work Boards (ASWB) in order to meet the licensure requirements to practice social work in the CNMI. Furthermore, the HCPLB must amend the regulations to change the name of the ASWB's two examinations and include a section for licensure renewal which was inadvertently not included in the last adoption of these regulations.

**THE SUBJECTS AND ISSUES INVOLVED:** The proposed amendments to the regulations are:

1. To add § 140-50.3- 002303 Application for License by Examination.
2. To amend section 2304(1) (i) and (ii) of the regulations.
3. To add § 140-50.3-002314 Renewal.

**DIRECTIONS FOR FILING AND PUBLICATION:** 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 request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950, or by email at [bpl@pticom.com](mailto:bpl@pticom.com).

Submitted By:



Theodore R. Parker  
HCPLB Acting Chairman

12/15/2014

Date

Received By:



Esther S. Fleming  
Special Assistant for Administration

12/17/14

Date

Filed and Recorded By:



Esther SN Nesbitt  
Commonwealth Register

12.18.2014

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).



GILBERT BIRNBRICH  
Attorney General

12.17.14

Date

10/29/14 DRAFT

To add a new section 002303 in the regulations to include the application for a license by examination.

**§ 140-50.3- 002303 Application for License by Examination.**

(a) No applicant may sit for the examination until the Board has determined that the applicant has met all the requirements for licensure except passage of the examination.

(b) The Board utilizes the national uniform examinations of the Association of Social Work Boards (ASWB) and candidates shall be required to successfully pass the following examinations:

- (i) Bachelors level candidates shall be required to successfully pass the Bachelors Examination;
- (ii) Masters level candidates shall be required to successfully pass the Masters Examination; and
- (iii) Clinical social workers level shall be required to successfully pass the Clinical Examination.

(c) An applicant for examination shall submit an application as required on § 140-50.3 - 002307 accompanied with all the required information and documentations necessary to establish that the applicant possesses the qualifications for licensure other than the passage of the appropriate examination.

(d) After the applicant received notification from the Board that he/she may take the examination, he/she must register with ASWB at [www.aswb.org](http://www.aswb.org) and pay the required exam fee. All candidates should download a copy of the ASWB Candidate Handbook which will guide them through the registration process. ASWB has practice tests or detailed study guides that the candidate can use for a fee. Examinations are administered by appointment at Pearson Professional Center on Saipan and registered candidates can schedule a time to take the test at the center.

(e) For disability accommodations, the candidate can download the application from the ASWB website and submit the completed form to ASWB. ASWB will then review the application and forward it to the Board for consideration. After the Board reviews the application and responds to ASWB with their decision, ASWB will notify the candidate of the Board's decision and any approved accommodations. Disability accommodation must be approved before the candidate registers for the examination.

(f) For candidates with English as a second language, you may request for the English as a Second Language (ESL) Special Arrangements Request form from the Board. The candidate will fill out the form and submit it to the Board for approval and the Board

will then forward the form to ASWB to make arrangements for the candidate (see ASWB Policy Manual Section 2.8 on the ASWB website).

(e) Once an application for examination is approved by the Board, the candidate must sit for the examination within one (1) year from the date of board approval. For good cause shown, the Board will, in its discretion, grant one written request from the candidate for an extension of time to sit for the examination.

(f) The candidate has one year to obtain a passing score on the examination. In the event of failure to pass the examination, the candidate may retake the examination every ninety (90) days during the year. If the candidate did not pass the examination within the year, he/she must reapply, including approval of the Board, application and applicable fee, prior to retaking the examination.

*To amend section 2304(1) (i) and (ii) of the regulations.*

**§ 140-50.3- 002304 Requirements for Licensure.**

(a) An applicant to practice as a social worker must be at least twenty-one (21) years of age, be a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:

(ii) Has passed the ~~basic~~ Bachelors examination administered by the Association of Social Work Boards, or an examination in social work approved by the Board.

(ii) Has passed the ~~intermediate~~ Masters examination administered by the Association of Social Work Boards, or an examination in social work approved by the Board.

*To add a new section 002314 in the regulations to include a section for licensure renewal which was inadvertently not included in the last adoption of these regulations.*

**§ 140-50.3-002314 Renewal.**

(a) All licenses, except temporary or limited licenses issued by the Board, expire every two years following issuance or renewal and become invalid after that date.

(b) Each licensee shall be responsible for submitting a completed renewal application at least sixty (60) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration, the fee, and any additional requirement for the renewal thereof.

(c) All licensees must submit satisfactory evidence of completion of CE requirements, as required under §2310 of these regulations.

(d) A late fee of \$25.00 will be charged every 1<sup>st</sup> of the month after the expiration date.



(e) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

(f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or her license to practice as a social worker in the CNMI. This will not, however, prevent the Board from considering a new application.

**Commonwealth gi Sangkattan na Islas Marianas Siha  
HEALTH CARE PROFESSIONS LICENSING BOARD**

P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814  
e-mail: bpl@pticom.com

**NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE  
PROFESSIONS LICENSING BOARD NA REGULASION SIHA PARA I LICENSED BACCALAUREATE SOCIAL  
WORKER, LICENSED MASTER'S SOCIAL WORKER, YAN I LICENSED CLINICAL SOCIAL WORKER**

**I MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha, sigun i manera siha gi Aktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ATURIDÁT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Pubblica 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

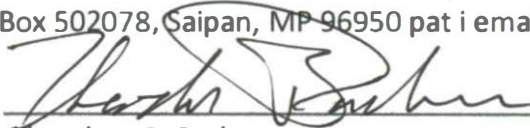
**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I HCPLB debi na u amenda i regulasion siha ni para u sedi i aplikanti siha para u ma'aplika yan u machuli' i apruebasion ginin i Kuetpu ni para u chuli' i social workers national uniform examinations administered ni Association of Social Work Boards (ASWB) gi anai para u afakcha' i licensure na dinimanda siha ni para u praktika i social work gi halum CNMI. Yan más, i HCPLB debi na u amenda i regulasion siha ni para u tulaika i ASWB's ni dos na eksaminasion siha yan ingklusu i seksiona para i licensure renewal ni ti ma'ripára na ti ingklusu gi uttimu na adaptasion esti na regulasion siha.

**I MASUHETU YAN ASUNTU NI MANTINEKKA:** I manmaproponi na amendasion para i regulasion siha ni:

1. Para u áomenta i § 140-50.3 – 002303 Aplikasion para i License ni ginin i Eksaminasion.
2. Para u amenda i seksiona 2304 (1) (i) yan (ii) gi regulasion siha.
3. Para u áomenta i § 140-50.3 -002314 Rininueba.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Háyi gai intires na petsona siña manggágo kopia siha gi manmaproponi na amendasion siha ya á'agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fáttu gi ufisinan-mámi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hálum put esti na amendasion siha ya u machuli' guatu gi ufisinan- mámi pat na'hánao para i BPL, P.O. Box 502078, Saipan, MP 96950 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com).

Nina'hálum as:

  
Theodore R. Parker  
Acting na Kabesiyu, HCPLB

  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
Esther S. Fleming  
Ispisiât Na Ayudânti Para l Administrasion


12/18/14  
Fetcha

Pine'lu Yan Ninota as:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Rehistran Commonwealth

12.18.2014  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (pupplikasion areklamentu yan regulasion siha).

  
\_\_\_\_\_  
GILBERT J. BIRNBRICH  
Abugâdu Henerât

12-17-14  
Fetcha

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O.Box. 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

ARONGORONG REEL POMWOL ALLÉGH REEL HEALTH CARE PROFESSION LICENSING BOARD  
REER LICENSED BACCALURETTE SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER ME  
LICENSED CLINICAL SOCIAL WORKER.

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ALLÉGH KKA:**

Health Care Professions Licensing Board (HCPLB) e mwuschel e bwe adaptááli me e bwe llégh ló allégh kka e appaasch bwe pommol mwóghutúghútú allégh, sáangi mwóghutúghútú Administrative Procedure Act, 1 CMC § 9104(a). Mwóghutúghútú allégh kka e bwe bwunguló 10 ráál mwiril re ataabwey alléghúl 1 CMC §§ 9102 me 9104(a) ngáre (b) (1 CMC §9105(b)).

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil e bwe arongowoow me ghitipwotchuw allégh kkaal bwelle rel P.L. 15-105, Talil 3, § 2206 (b), igha e liwell.


**KKAPASAL ME AWEWEEL:** HCPLB e bwe ghitipwotchuw liwell kka rel mwóghutúghútú allégh bwe e bwe mmwel re bwe apply me e bwe llégh ló merel Board bwe re bwe bwughi Social Worker Uniform Examination iye re fféer sáangi Association of Social Work Boards (ASWB) igha e bwe ffil ngáli Licensure Requirements bwe re pommoli angaang ye Social Work lól CNMI. HCPLB e bwe liwelli mwóghutúghútú allégh bwe e bwe liwell ittal ASWB's two Examinations nge re bwe aschuulong tállil ngai Licensure Renewal igha re se isáálong mwiril yaal adaptááli mwóghutúghútú allégh kka.

**KKAPASAL ME ÓUTOL:** Pommol liwell ngáli mwóghutúghútú allégh nge:

1. E bwe aschuulong § 140-50.3-002303 application rel License rel Examination
2. E bwe liwell section 2304(1) (i) me (ii) ngáli mwóghutúghútú allégh.
3. E bwe aschuulong §140-50.3-002314 Renewal


**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingór mángemángiir toulap reel pomwol allégh kkal iye rebwe bwughil llól eliigh (30) ráll ngáre schagh aa arongowoow rel Commonwealth Register. Schóó kka re re mwuschel Copy-il pomwol allégh kkal e mmwel re bwe faingi numero ye 664-4809 me ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngáre mweteló rel bwulasiyo Bldg 1242, Pohnpei Ct., Capitol Hill, Seipél. Iischil mángemáng e bwe iisisilong llól bwulasiyo me ngáre afanga ngáli BPL, P.O. Box 502078, Seipél, MP 96950 me bwal Email-li ló [bpl@pticom.com](mailto:bpl@pticom.com)

Isáliiyalong:

  
Theodore R. Aprker  
HCPLB Acting Chairman

12/15/2014  
Ráll

Mwir Sángi:

  
Esther S. Fleming  
Special Assistant for Administration

12/18/14  
Ráll

Amwel Sángi:

  
Esther SN. Nesbitt  
Commonwealth Register

12.18.2014  
Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal a llégh ló sángi AG bwe e ffil rel fféerúl me 1 CMC §9104(a)(3) (mwiir sángi AG) Pomwol mwóghutúghútúl allégh kkal a appaaschlong a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sángi CNMI Attorney General me e bwele arongowoow, 1 CMC §2153(f) (Arongowoowul allégh me mwóghutúghútúl allégh kkaal).

  
GILBERT BIRNBRICH  
SOULEMIL ALLÉGH LAPALAP

12.17.14  
Ráll





Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
 P.O. Box 502078, #1242 Pohnpei Court  
 Capitol Hill, Saipan, MP 96950  
 Tel No: (670)664-4809 Fax: (670)664-4814  
 Email: [bpl@pticom.com](mailto:bpl@pticom.com)

**NOTICE OF PROPOSED AMENDMENTS TO THE  
 HEALTH CARE PROFESSIONS LICENSING BOARD  
 REGULATIONS FOR PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,  
 OCCUPATIONAL THERAPIST, AND OCCUPATIONAL THERAPY ASSISTANT**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

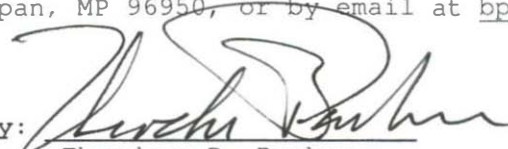
**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to include a section for licensure renewal which was inadvertently not included in the last adoption of these regulations.

**THE SUBJECTS AND ISSUES INVOLVED:** The proposed amendments to the regulations is:

1. To add § 140-50.3-003920 Renewal.


**DIRECTIONS FOR FILING AND PUBLICATION:** 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 request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950, or by email at [bpl@pticom.com](mailto:bpl@pticom.com).

Submitted By:

  
 Theodore R. Parker  
 HCPLB Acting Chairman


12/1/2014  
 Date

Received By:

  
 Esther S. Fleming  
 Special Assistant for Administration

12/1/14  
 Date

Filed and Recorded By:

  
\_\_\_\_\_  
Esther SN Nesbitt  
Commonwealth Register

12.18.2014  
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).

  
\_\_\_\_\_  
GILBERT BIRNBRICH  
Attorney General

12-15-14  
Date

§ 140-50.3-003920 **Renewal.**

(a) All licenses, except temporary or limited licenses issued by the Board, expire every two years following issuance or renewal and become invalid after that date.

(b) Each licensee shall be responsible for submitting a completed renewal application at least sixty (60) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration, the fee, and any additional requirement for the renewal thereof.

(c) All licensees must submit satisfactory evidence of completion of CE requirements, as required under §3806 of these regulations.

(d) A late fee of \$25.00 will be charged every 1<sup>st</sup> of the month after the expiration date.

(e) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

(f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or her license to practice physical or occupational therapy in the CNMI. This will not, however, prevent the Board from considering a new application.

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O.Box. 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

ARONGORONG REEL POMWOL LIWELL REL HEALTH CARE PROFESSION LICENSING BOARD  
ALLÉGH REER PHYSICAL THERAPIST, PHYSICAL THERAPIST ASSISTANT, OCCUPATIONAL  
THERPIST, ME OCCUPATIONAL THERAPIST ASSISTANT.

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ALLÉGH KKAL:**

Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptááli me llegh ló allégh kka e appasch bwe pommol allégh, sáangi mwóghutughutúl Administrative Procedure Act. 1 CMC § 9104 (a). Allégh kka ebwe bwunguló 10 ráll mwiril yaar palaweli 1 CMC §§ 9102 me 9104 (a) ngáre (b) (1 CMC § 9105 (b)).

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe arongowow me llégh ló allégh sáangi P.L. 15-105, Section 5, § 2206 (b), igha e liwell.

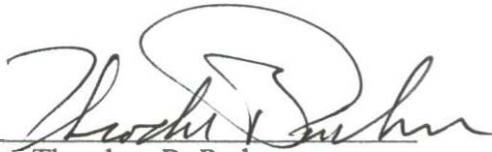
**KKAPASAL ME AWEWEEL:** HCPLB re bwe liwellil allégh bwe e bwe aschuwlong leyil tánil ngáli licensure renewal igha re se aschuwlong mwiril ighiwe re adaptáánil allégh.

**KKAPASAL ME ÓUTOL:** Allégh kka rebwe ameenda li:

1. E bwe aschuwlong § 140-50.3-003920 Renewal

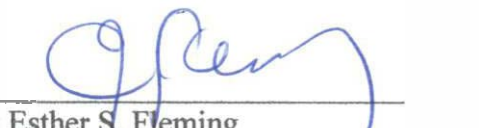
**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingór mángemángiir toulap reel pomwol allégh kkal iye re bwe bwughil rei Board llól (30) eliigh ráll ngáre schagh aa arongowow llól Commonwealth Register. Schóó kka re remuschel Copy-il pomwol allégh kkal emwel rebwe faingi numero ye 664-4809 me ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngáre mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct. Capitol Hill, Seipél. Iischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950 bwal Email li ló [bpl@pticom.com](mailto:bpl@pticom.com)

Isáliiyalong:

  
Theodore R. Parker  
HCPLB Acting Chairman

  
Ráll

Mwiir Sáangi:

  
Esther S. Fleming  
Special Assistant for Administration

  
Ráll

Amwel Sáangi:



Esther SN. Nesbitt  
Commonwealth Register

12.18.2014

Ráll

Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúl me  
1 CMC § 9104 (a) (3) (mwiir sáangi AG) Pomwol atiwligh kkal a appaaschlong a takkal amwuri fiischiy, me  
angúúngú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatéwoow, 1 CMC  
§2153(f) (Arongowowul allégh me atiwligh kkaal).



GILBERT J. BIRNBRICH  
Attorney General

12-15-14

Ráll



**Commonwealth gi Sangkattan na Islas Marianas Siha  
HEALTH CARE PROFESSIONS LICENSING BOARD**

P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814  
e-mail: bpl@pticom.com

**NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE  
PROFESSIONS LICENSING BOARD PARA PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,  
OCCUPATIONAL THERAPIST, YAN OCCUPATIONAL THERAPY ASSISTANT**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA REGULASION  
SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adápta kumu petmanienti  
na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha, sigun i  
manera siha gi Áktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi  
dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105  
(b)).

**ÁTURIDÁT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i  
regulasion siha sigun gi Lai Puplicu 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.


**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I HCPLB debi na u amenda i regulasion siha ni para u  
ingklusu i seksiona para i rininueban licensure na ti maripára na ti ma'ingklusu gi halum i uttimu na  
adápasion esti na regulasion siha.

**SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** I manmaproponi na amendasion siha para i  
regulasion ni:

1. Para u áomenta i § 140-50.3 – 003920 Rinibueba.

**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi  
manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na  
tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Háyí gai intires na  
petsona siña manggááo kopia siha gi manmaproponi na amendasion siha ya á'agang ham gi 664-4809  
pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fátu gi ufisinan-mámi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill,  
Saipan. Tugi'i hálum put esti na amendasion siha ya u machuli' guatu gi ufisinan- mámi pat na'hánáo  
para i BPL, P.O. Box 502078, Saipan, MP 96950 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com).

Nina' hálum as:

  
Theodore R. Parker  
Acting na Kabesiyu, HCPLB

  
Fetcha

Rinisibi as:   
Esther S. Fleming  
Ispisiât Na Ayudânti Para l Atministrasion

12/18/14  
Fetcha

Pine'lu Yan Ninota as:   
Esther SN. Nesbitt  
Rehistran Commonwealth

12.18.2014  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan suficientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (pupplikasion areklamentu yan regulasion siha).

  
GILBERT J. BIRNBRICH  
Abugâdu Henerât

12-15-14  
Fetcha



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
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 Tel No: (670)664-4809 Fax: (670)664-4814  
 Email: [bpl@pticom.com](mailto:bpl@pticom.com)

**NOTICE OF PROPOSED AMENDMENTS TO THE  
 HEALTH CARE PROFESSIONS LICENSING BOARD  
 REGULATIONS FOR PODIATRISTS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).


**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to include a section for licensure renewal which was inadvertently not included in the last adoption of these regulations.

**THE SUBJECTS AND ISSUES INVOLVED:** The proposed amendments to the regulations is:

1. To add § 140-50.3-004507 Renewal.

**DIRECTIONS FOR FILING AND PUBLICATION:** 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 request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950, or by email at [bpl@pticom.com](mailto:bpl@pticom.com).

Submitted By:   
 Theodore R. Parker  
 HCPLB Acting Chairman

  
 Date

Received By:   
 Esther S. Fleming  
 Special Assistant for Administration

  
 Date

Filed and Recorded By:

  
\_\_\_\_\_  
Esther SN Nesbitt  
Commonwealth Register

12.18.2014  
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).

  
\_\_\_\_\_  
GILBERT BIRNBRICH  
Attorney General

12-15-14  
Date

10/22/14 DRAFT

§ 140-50.3-004507      **Renewal.**

(a) All licenses, except temporary or limited licenses issued by the Board, expire every two years following issuance or renewal and become invalid after that date.

(b) Each licensee shall be responsible for submitting a completed renewal application at least sixty (60) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration, the fee, and any additional requirement for the renewal thereof.

(c) All licensees must submit satisfactory evidence of completion of CE requirements, as required under §4508 of these regulations.

(d) A late fee of \$25.00 will be charged every 1<sup>st</sup> of the month after the expiration date.

(e) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

(f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or her license to practice as a Podiatrist in the CNMI. This will not, however, prevent the Board from considering a new application.



Commonwealth gi Sangkattan na Islas Marianas Siha  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814  
e-mail: bpl@pticom.com

**NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE  
PROFESSIONS LICENSING BOARD NA REGULASION SIHA PARA PODIATRISTS**

**I MA'INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA REGULASION SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adápta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha, sigun i manera siha gi Áktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÁTURIDÁT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Publiku 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmaproponi na amendasion para i regulasion siha ni:

1. Para u áomenta i § 140-50.3 – 004507 Rininueba.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siña manggågáo kopia siha gi manmaproponi na amendasion siha ya á'agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fáttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånáo para i BPL, P.O. Box 502078, Saipan, MP 96950 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com).

Nina'hålum as:   
Theodore R. Parker  
Acting na Kabesiyu, HCPLB

  
Fetcha


Rinisibi as:   
Esther S. Fleming  
Ispisiât Na Ayudânti Para I Atministrasion

12/18/14  
Fetcha

Pine'lu Yan Ninota as:   
Esther SN. Nesbitt  
Rehistran Commonwealth

12.18.2014  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan suficientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapublika, 1 CMC § 2153 (f) (puplikasion areklamentu yan regulasion siha).

  
GILBERT J. BIRNBRICH  
Abugâdu Henerât

12-15-14  
Fetcha

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O.Box. 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

ARONGORONG REEL POMWOL LIWELL REL HEALTH CARE PROFESSION LICENSING BOARD  
ALLÉGH REL PODIATRIST

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL ALLÉGH KKAL:**

Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptáali me llegh ló allégh kka e appasch bwe pommol allégh, sáangi mwóghutughutúl Administrative Procedure Act. 1 CMC § 9104 (a). Allégh kka ebwe bwunguló 10 ráll mwiril yaar palaweli 1 CMC §§ 9102 me 9104 (a) ngáre (b) (1 CMC § 9105 (b)).

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe arongowow me llegh ló allégh sáangi P.L. 15-105, Section 5, § 2206 (b), igha e liwell.


**KKAPASAL ME AWEWEEL:** HCPLB re bwe liwellil allégh bwe e bwe aschuwlong leyil tánil ngáli licensure renewal igha re se aschuwlong mwiril ighiwe re adaptáalil allégh.


**KKAPASAL ME ÓUTOL:** Allégh kka rebwe ameenda li:

1. E bwe aschuwlong § 140-50.3-004507 Renewal

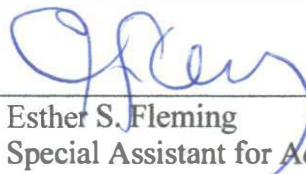
**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingór mángemángiir toulap reel pomwol allégh kkal iye re bwe bwughil rel Board llól (30) eliigh ráll ngáre schagh aa arongowow llól Commonwealth Register. Schóó kka re remuschel Copy-il pomwol allégh kkal emwel rebwe faingi numero ye 664-4809 me ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngáre mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct. Capitol Hill, Seipél. Iischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950 bwal Email li ló [bpl@pticom.com](mailto:bpl@pticom.com)

Isáliiyalong:

  
Theodore R. Parker  
HCPLB Acting Chairman

  
Ráll

Mwiir Sáangi:

  
Esther S. Fleming  
Special Assistant for Administration

  
Ráll

Amwel Sáangi:



Esther SN. Nesbitt  
Commonwealth Register

12.18.2014

Ráll

Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúl me  
1 CMC § 9104 (a) (3) (mwiir sáangi AG) Pomwol atiwligh kkal a appaaschlong a takkal amwuri fiischiy, me  
angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatééwoow, 1 CMC  
§2153(f) (Arongowowul allégh me atiwligh kkaal).



GILBERT J. BIRNBRICH  
Attorney General

12-15-14

Ráll



# DEPARTMENT OF PUBLIC SAFETY

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building, Civic Center Susupe

P. O. Box 500791 Saipan, MP 96950

Telephone: (670) 664-9001 (24 Hours) Facsimile: (670) 664-9019



## PUBLIC NOTICE OF PROPOSED REGULATIONS

### WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

**INTENDED ACTION:** The Commonwealth of the Northern Mariana Islands, Department of Public Safety, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations will become effective 10 days after adoption and publication in the Commonwealth Register.

**AUTHORITY:** The Department of Public Safety is mandated by the Legislature to adopt regulations with respect to impoundment of vehicles in the Commonwealth.

**TERMS AND SUBSTANCE:** The proposed regulations provide for the impoundment and public auction of vehicles in the Commonwealth.


**REGULATIONS BEING AMENDED:** NMIAC §§ 150.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register and 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.

#### SEND OR DELIVER COMMENTS TO:

Re: Proposed Impound Regulations  
James C. Deleon Guerrero  
Commissioner  
Department of Public Safety  
Caller Box 10007  
Saipan, MP 96950

Comments, data, views, or arguments for or against the proposed regulations are due within 30 days of the date of publication of this notice.

Submitted by:   
James C. Deleon Guerrero  
Commissioner  
Department of Public Safety

12/10/2014  
Date





# DEPARTMENT OF PUBLIC SAFETY


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building, Civic Center Susupe


P. O. Box 500791 Saipan, MP 96950

Telephone: (670) 664-9001 (24 Hours) Facsimile: (670) 664-9019




Received by:   
Esther S. Fleming  
Special Assistant for Administration

12/18/14  
Date

Filed and Recorded by:   
Esther Nesbitt  
Commonwealth Register

12.18.2014  
Date

The proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Approved by:   
Gilbert Birnbrich  
Attorney General

12-17-14  
Date



**DEPARTMENT OF PUBLIC SAFETY**  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
 Jose M. Sablan Building, Civic Center Saipan  
 P. O. Box 500791 Saipan, MP 96950  
 Telephone: (670) 664-9001 (24 Hours) Facsimile: (670) 664-9019



**ARONGORONG REL POMMOL MWÓGHUTÚGHÚT**

IKKA E LO BWE LIWELL NGÁLI ALLÉGH ME MWÓGHUTÚGHÚTÚL  
 SÁNGI BWULASIYOL ALILLISIL TOULAP

**MÁNGEMÁNGIL POMMOL MWÓGHUTÚGHÚT:**

Sáangi Commonwealth wól téél falúw kka efang lól Marianas, Bwulasiyol Alillisil Toulap, re mángemámgil re bwe adaptáali mille e appaasch bwe Pommol mwóghutúghút, arongowoowul mwóghutúghútúl Administrative Procedure Act, 1 CMC § 9104(a). Mwóghutúghútúl nge e bwe bwunguló lól seigh (10) ráll mwiril yaar adaptáali me arongowoowul me rel Commonwealth Register.

**BWÁNGIL:** Sáangi afal me rel Legislature Bwulasiyol Alillisil Toulap re bwe adaptáali alléghúl mwóghutúghút ngáli *impoundment of vehicles* lóll Commonwealth.

**KKAPASAL ME OUTOL:** Rel Pommol mwóghutúghút nge e ayoora ngáli *impoundment* me *public auction of vehicles* lóll Commonwealth.


**LIWELL REL MWÓGHUTÚGHÚT:** NMIAC §§ 150.

**AFAL REEL AMWELIL ME ARONGOWOWUL:** Pommol Mwóghutúghút kkaal nge e bwe akkatéewow me rel Commonwealth Register nge re bwe appaasch tá lól bwuleey kka lól civic center me bwulasiyol gobetnameento lól senatorial district, rel English me lól mwaliyaasch.

**AFANGA LÓ ME ATTOTOOLONG MWALIILI REL:**

Re: Proposed Impound Regulations  
 James C. Deleon Guerrero  
 Commissioner  
 Department of Public Safety  
 PO Box 10007  
 Saipan, MP 96950

Mwaliili, data, views me angiiingi, rel yóómw mángemáng rel pommol mwóghutúghút nge e bwe attotoolong lól eliigh (30) rál, sáangi rállil akkatéewowul arongorong yel.

Isáliiyalong:   
 James C. Deleon Guerrero  
 Commissioner  
 Department of Public Safety

  
 Ráll

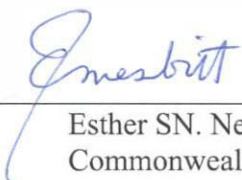


**DEPARTMENT OF PUBLIC SAFETY**  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
 Jose M. Sablan Building, Civic Center Susupe  
 P. O. Box 500791 Saipan, MP 96950  
 Telephone: (670) 664-9001 (24 Hours) Facsimile: (670) 664-9019



Mwiir Sáangi:   
 Esther S. Fleming  
 Special Assistant for Administration

12/18/14  
 Ráll

Ammwel Sáangi:   
 Esther SN. Nesbitt  
 Commonwealth Register

12.18.2014  
 Ráll

Pommol mwóghutúghút, iye e appasch-long bwe ra amweeri me a bwunguló bwe c bwe fféer me legal sufficiency sáangi bwulasyol Soulemil Allégh Lapalap.

E Alúghúlúgh Sáangi:   
 Gilbert J. Birnbrich  
 Sóulemil Allégh Lapalap

12-17-14  
 Ráll

**NUTISIAN PUPBLIKU GI MANMAPROPONI NA REGULASION SIHA  
NA AMENDASION SIHA PARA I AREKLAMENTU YAN REGULASION SIHA GI  
DIPATTAMENTUN SINĀFU' PUPBLIKU**

**I MA'INTENSIONA NA AKSION:** I Commonwealth gi Sangkattan na Islas Marianas, i Dipattamentun Sināfu' Pupbliku, ha intensiona para u adāpta kumu petmanienti na regulasion siha ni mañechettun gi Manmaproponi na Regulasion Siha, sigun gi manera siha gi Āktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies (10) dihas dispues di adāptasion yan publikasion gi halum i Rehistran Commonwealth.

**ĀTURIDĀT:** I Dipattamentun Sināfu' Pupbliku ni mĀnda ni Leyislatura para u adāpta i regulasion siha kun respetu ni para i impoundment of vehicles gi halum Commonwealth.

**I TEMA YAN I SUSTĀNSIAN I PALĀBRA SIHA:** I manmaproponi na regulasion siha ha pribeniyi ni para i impoundment yan public auctions of vehicles gi halum Commonwealth.

**I REGULASION SIHA NI MANMA'AMENDA:** NMIAC §§ 150.


**DIREKSION PARA MAPO'LU YAN MAPUPBLIKASION:** Esti i Manmaproponi na Regulasion Siha debi na u mapupblika gi halum Rehistran Commonwealth yan u mapega gi halum i mangkumbinienti na lugĀt siha gi halum i civic center yan gi halum i ufisinan gubietnamentu siha gi kada distritun senadot, parehu gi English yan i dos na linguĀhin natibu siha.

**NA'HĀNĀO PAT INTREGA I UPIÑON GUATU GI:**

Re: Maproponin Regulasion Minantieni  
James C. Deleon Guerrero  
Kumisina  
Dipattamentun Sināfu' Pupbliku  
Caller Box 10007  
Saipan, MP 96950

Upiñon, imfotmasion, inatan pat testimoñon kinentra para pat kontra siha gi manmaproponi na regulasion siha u fanhĀlum trenta(30) dihas ginin i fetchan publikasion esti na nutisia.

Nina'hĀlum as:   
James C. Deleon Guerrero  
Kumisina  
Dipattamentun Sināfu' Pupbliku

  
Fetcha

Rinikot as:   
Esther S. Fleming  
Ispisiât Na Ayudânti Para I Atministrasion

12/18/14  
Fetcha

Pine'lu yan  
Ninota as:   
ESTHER SN. Nesbitt  
Rehistran Commonwealth

12.18.2014  
Fetcha

I manmaproponi na regulasion siha ni mañechettun guini manmaribisa yan ma'aprueba kumu fotma yan sufisienti ligât ginin i Ufisinan Abugâdu Henerât.

Inaprueba as:   
Gilbert J. Birnbrich  
Abugâdu Henerât

12-17-14  
Fetcha



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## **PROPOSED IMPOUND REGULATIONS**

Subject to codification by the Law Revision Commission, NMIAC § 150 is hereby amended by creating a new chapter, which shall read as follows:

### **SECTION 1 - TITLE**

This chapter may be cited as the “Department of Public Safety Vehicle Impound Regulations.”

### **SECTION 2 - AUTHORITY**

The Department of Public Safety is authorized by 1 CMC §§ 9115, 2507(a), 6 CMC § 2151, and 9 CMC §§ 4104(g), 4113, 5808, 7114 to adopt rules and regulations for vehicle impoundment and administrative hearings.

### SECTION 3 - RULES OF CONSTRUCTION

A. The following rules of construction apply to the regulations contained in this division, except as otherwise noted:

- (1) The enumeration of some criteria for the making of discretionary decisions does not prohibit the application of other criteria reasonably related to the decision being made.
- (2) The order in which criteria are listed does not indicate their relative weight or importance.
- (3) "Shall" is mandatory, "should" is advisory, and "may" is permissive.
- (4) The past, present, or future tense includes the others.
- (5) The masculine gender includes the feminine gender; the singular includes the plural.
- (6) The time limits specified in these rules do not create a right to have the specified action taken within the time limits. The time limits are directory, and the failure to meet them does not preclude taking the specified action beyond the time limits.

B. Definitions.

- (1) "Good cause" means circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing.
- (2) "Impoundment" means any removal of a vehicle to a storage facility or location designated by the Department of Public Safety either by an officer or authorized agent of the Department of Public Safety or by a contractor for towing and storage in response to a request from an officer or authorized agent of the Department of Public Safety.
- (3) "Motor vehicle" means a device in, upon or by which any person or property may be propelled, moved, or drawn upon a highway.
- (4) "Owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission; a person who is determined and verified by the Department of Public Safety to have the permission of the registered owner of the vehicle; or a person who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefore.
- (5) "Vehicle" means any motor vehicle, vessel, or airplane.
- (6) "Regulation" means rule or regulation.

### SECTION 4 - IMPOUNDMENT UPON CITATION

- A. A vehicle may be impounded upon issuance of a citation for violation of Title 6 or Title 9 of the Commonwealth Code.
  - (1) A vehicle shall not be impounded under this subsection if the violation of law was committed while the vehicle was unlawfully in the possession of a person other than the owner of the vehicle.
- B. A vehicle may be impounded upon issuance of a citation if the vehicle is found parked upon any highway or public property of the Commonwealth and the vehicle is not properly registered or the license plates are not properly displayed.
- C. A common carrier in transaction of business shall not be impounded under this subsection unless the officer has probable cause to believe that the owner or operator of the vehicle was a consenting party or was aware of the violation of law.

**SECTION 5 - IMPOUNDMENT UPON COURT ORDER**

- A. The Department of Public Safety will impound a vehicle upon order of any court of the Commonwealth. Provided, any vehicle impounded under this section shall be subject to all applicable impound fees.
- B. The Commonwealth shall be a necessary party to any court hearing which may result in an order releasing a vehicle without the payment of the required fees.

**SECTION 6 - IMPOUNDMENT WITHOUT CITATION**

- A. A vehicle may be impounded if the operator of the vehicle is arrested.
- B. A vehicle may be impounded if the vehicle is the subject of a search warrant.
- C. A vehicle may be impounded if it is subject to inspection under an administrative inspection warrant.
- D. A vehicle may be impounded if it is blocking a private driveway.
- E. A vehicle may be impounded if it has been left unattended on public property for more than seventy-two (72) hours.
- F. A vehicle may be impounded if an officer has probable cause to believe that the vehicle has been stolen.
- G. A vehicle may be impounded if an officer has probable cause to believe that the vehicle poses a danger to health or safety. The Department of Public Safety has determined that the following circumstances always pose a danger to the health and safety of the community:
  - (1) When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic;
  - (2) When a vehicle has been left unattended on a public highway for more than seventy-two (72) hours;

- (3) When the operator of a vehicle is incapacitated to such an extent that they are unable to take custody of a vehicle or remove it from its location;
  - (4) When a vehicle is being operated upon a public highway and is not equipped with brakes in good working condition as required by 9 CMC § 4104;
  - (5) When a vehicle transporting explosives is not in full compliance with 9 CMC § 4113 or any other applicable law;
  - (6) When a vehicle is parked within 15 feet of the driveway to a fire station.
  - (7) When a vehicle is parked within 15 feet of a fire hydrant;
  - (8) When a vehicle is unattended while the engine is running;
  - (9) When a vehicle is unattended and not properly braked;
  - (10) When a vehicle is unattended, upon a grade, and the wheels are not turned towards the closest curb or side of the highway.
- H. When an officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence.

**SECTION 7 - IMPOUNDMENT OF GOVERNMENT VEHICLES**

- A. A government vehicle may be impounded under any applicable section of this chapter.
- B. A government vehicle shall be impounded if the operator or the vehicle is found in violation of 1 CMC § 7406.

**SECTION 8 - IMPOUNDMENT – METHOD**

- A. When impoundment is authorized by this chapter, a vehicle may be impounded either by an officer or authorized agent of the Department of Public Safety or by a contractor for towing and storage acting at the request of an officer or authorized agent of the Department of Public Safety.

**SECTION 9 - NOTIFICATION TO OWNER**

- A. Not more than forty-eight (48) hours after impoundment of any vehicle, the Department of Public Safety or the tow contractor shall mail a notice by first class mail to the last known and legal owners of the vehicles, as may be disclosed by the vehicle identification number, and as provided by the Bureau of Motor Vehicles. The notice shall contain the justification for the impoundment and the procedures for release of the vehicle.
- B. Similar notice shall be given to each person who seeks to redeem an impounded vehicle, except that if a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed.



- C. If the Department of Public Safety is unable to provide notice by mail, then the Department may use telephone, email, or any other form of communication to inform the owner of the impoundment. Provided, that the Department of Public Safety may not rely upon alternative notice unless the owner has acknowledged notice in writing.
- D. If the vehicle was impounded because it constituted evidence of a crime or contained evidence of a crime, then the Department of Public Safety shall give written notification to the last registered and legal owner when the investigatory hold has been removed, except that if a vehicle is redeemed following notice by telephone or other means, prior to the mailing of notice, then notice need not be mailed.
- E. If the Department of Public Safety is unable to provide notice required by any provision in this chapter and the owner has not acknowledged actual notice in writing, then the Department of Public Safety shall retain documentation of its attempt to notify the owner of the impounded vehicle. Thereafter, the Department of Public Safety may provide notice by publication in a newspaper of general circulation once a week for four successive weeks.

#### **SECTION 10 - PERSONAL PROPERTY**

- A. All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department or that constitute evidence of a crime, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.
- B. The Department of Public Safety shall conduct an administrative search of any impounded vehicle and record all personal property found within the vehicle. The record of personal items shall be made available to the owner or authorized agent of the owner upon request.
- C. All personal belongings not claimed before the auction shall be retained by the Department of Public Safety, disposed of at auction, donated, or destroyed.
- D. Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

#### **SECTION 11 - RECORD OF IMPOUNDED VEHICLES**

- A. The Department of Public Safety shall keep, and make available for public inspection, a record of all vehicles impounded under the provisions of this chapter. The record shall include at least the following information:
  - (1) Manufacturer's trade name or make;
  - (2) Vehicle license number and state of registration;
  - (3) Vehicle identification number;

- (4) Such other descriptive information as the Commissioner deems useful for purposes of vehicle identification;
- (5) Basis for impoundment, including reference to the appropriate section or sections of the impound regulations; and
- (6) Disposition of the vehicle and date of disposition.

## **SECTION 12 - RELEASE OF VEHICLE**

- A. If a vehicle is unregistered, then the vehicle shall not be released until the Department of Public Safety is provided with proof that all registration fees have been paid. Thereafter, the vehicle may be released, but the operator shall immediately complete the registration of the vehicle.
- B. If a vehicle is not insured as required by law, then the Department of Public Safety shall not release the vehicle until proof of valid insurance is provided to the Department of Public Safety.
- C. The vehicle may be redeemed only by the following persons or entities:
  - (1) the legal owner;
  - (2) the registered owner;
  - (3) a person authorized by the registered owner on a form provided by the Department of Public Safety;
  - (4) the vehicle's insurer or a vendor working on behalf of the vehicle's insurer, provided that the insurer or vendor is authorized by the registered owner on a form provided by the Department of Public Safety;
  - (5) any person in possession of a court order requiring the release of the vehicle. All fees due and owing shall be paid prior to release under this subsection, unless the court order requires the Department of Public Safety to release the vehicle without payment of the required fees.
- D. A person redeeming an impounded vehicle must, prior to redemption, establish that he or she has a valid driver's license and that the vehicle is properly insured.
- E. Any person redeeming a vehicle impounded by the Department of Public Safety shall pay all applicable fees prior to redeeming such vehicle. Upon payment of the fees, the vehicle may be released from impoundment.

## **SECTION 13 - RELEASE OF GOVERNMENT VEHICLE**

- A. Government vehicles are subject to all fees and charges provided for by this chapter. The individual responsible for the vehicle being impounded will be liable for all fees provided for by this chapter.

- B. If a government vehicle is impounded, then it will only be released to the Director or chief officer of the government agency that owns or is responsible for the motor vehicle.
- C. If a government vehicle is impounded while being operated by a Director or chief officer of a government agency, then the vehicle shall not be released until the Department of Public Safety receives a written request for release from the Office of the Governor.
- D. If a government vehicle is impounded while being operated by a Director or chief officer of an agency governed by a Board of Directors or an equivalent, then the vehicle shall not be released until the Department of Public Safety receives a written request for release from the Chairperson or equivalent of said board.
- E. If a government vehicle is impounded and the vehicle is not in compliance with 1 CMC § 7406, then the Department of Public Safety shall not release the vehicle until the Department of Public Safety is satisfied that the vehicle will be brought into immediate compliance with 1 CMC § 7406 upon its release.
- F. If the person operating the government vehicle is unable or unwilling to pay the required fees to release the vehicle, then the Department of Public Safety may allow the appropriate government agency to pay the impound fees. Provided, that the Department of Public Safety shall immediately notify the Office of the Attorney General and the Office of the Public Auditor to ensure that the liable party reimburses the Commonwealth.

#### **SECTION 14 - ADMINISTRATIVE HEARING**

- A. Any person seeking to redeem a vehicle impounded has a right to an administrative hearing to contest the validity of an impoundment or the associated fees and charges.
- B. Any person seeking to hold the Department of Public Safety liable for damages to a vehicle or its contents resulting from vandalism, towing, or theft has a right to an administrative hearing.
- C. A request for hearing shall:
  - (1) be in writing;
  - (2) be signed by the petitioner or the petitioner's attorney;
  - (3) identify and describe the grounds for contesting the impoundment, the associated fees, the damages to the vehicle, or the damages to the contents of the vehicle; and
  - (4) must be served upon the Department of Public Safety by delivering a copy of the petition to the Department of Public Safety.
- D. A challenge to the validity of the impoundment must be initiated within fifteen calendar days of impoundment.

- E. A challenge to the validity of the fees associated with the impoundment must be made prior to the redemption of the vehicle or within fifteen calendar days of the redemption of the vehicle.
- F. The Department of Public Safety shall have the burden of proof in any challenge to the validity of an impoundment or the validity of fees associated with the impoundment. The standard of proof required shall be a preponderance of the evidence.
- G. A claim for damages associated with the impoundment must be made within the time allowed by law.
- H. A person making a claim for damages associated with the impoundment shall have the burden of proof. The standard of proof required shall be a preponderance of the evidence.
- I. Any person seeking a hearing who has failed to request such hearing within the time specified in this subsection may petition the Department of Public Safety for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter. This subsection is inapplicable if the claim is barred by the statute of limitations.
- J. If a person fails to file a timely request for a hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment and administrative fee are deemed to be proper, and the owner of the vehicle shall be liable for all fees arising from the impoundment.
- K. In accordance with the Administrative Procedure Act, a decision made by the Department of Public Safety may be appealed to the Commonwealth Superior Court.

#### **SECTION 15 - WAIVER OF FEES**

- A. No fee of any kind shall be assessed against the owner of a vehicle which is being held as a result of:
  - (1) a search warrant;
  - (2) an administrative inspection warrant;
  - (3) the Department's determination that the vehicle was stolen; or
  - (4) investigatory purposes.

- B. Notwithstanding this section, the vehicle must be redeemed within forty-eight (48) hours after the Department of Public Safety has notified the owner of the release of such vehicle in writing or by publication; provided that such owner or person authorized to obtain possession of such impounded vehicle shall pay any charges assessed for storage after such forty-eight (48) hour period; provided further, that if the registered owner or the driver authorized by the registered owner is arrested or charged with a crime in connection with the incident leading to impoundment, the owner of the vehicle shall be liable for all fees.

#### **SECTION 16 - ABANDONED VEHICLES**

- A. Any impounded vehicle not redeemed within thirty (30) days of mailing of the notice required by SECTION 9 - shall be deemed abandoned.
- B. A vehicle held pursuant to an order of a Commonwealth court shall not be considered abandoned. Provided, that the Department of Public Safety may petition the Court for the payment of impound fees directly or by auctioning the vehicle.
- C. A government vehicle shall not be considered abandoned.

#### **SECTION 17 - AUCTION OF IMPOUNDED VEHICLES**

- A. If a vehicle has been abandoned after impoundment, then the Department of Public Safety shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction, and a method to contact the Department of Public Safety, in a newspaper of general circulation, not less than three days before the date of the auction.
- B. The notice shall contain a notification that a public viewing period will be available before the auction and the length of the viewing period. The auction shall be held during daylight hours of a normal business day. The viewing period must be one hour if ten or fewer vehicles are to be auctioned, two hours if more than ten vehicles and fewer than thirty vehicles are to be auctioned, and three hours if thirty or more vehicles are to be auctioned.
- C. The following procedures are required in any public auction of such abandoned vehicles:
  - (1) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;
  - (2) All bidders must be present at the time of auction unless they have submitted to the Department of Public Safety, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;
  - (3) The open bid process, including all written bids, shall be used so that all potential bidders know the dollar value that must be exceeded;



- (4) The highest five bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;
  - (5) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;
  - (6) The successful bidder shall apply for title within fifteen days;
  - (7) The Department of Public Safety shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;
- D. All surplus moneys derived from the auction after satisfaction of all fees shall be remitted to the owner of the motor vehicle or person having the legal right to receive said funds. If the Department of Public Safety is unable to locate or identify the person that has a right to receive said funds, then the Department of Public Safety shall deposit the funds into an account capable of holding and segregating the funds from other general revenues.
- E. If the surplus funds are not claimed within one year of the sale, then the Department of Public Safety shall publish notice that the funds remain unclaimed. If no person claims the funds within fifteen calendar days thereafter, then the Department of Public Safety shall be entitled to the surplus funds.
- F. If the Department of Public Safety receives no bid, or if the Department of Public Safety is the successful bidder at auction, then the Department shall, within forty-five calendar days apply for title to the vehicle, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor,.
- G. The Department of Public Safety may refuse to accept a bid at an abandoned vehicle auction under this chapter for any reason in the Department's posted operating procedures and for any of the following reasons:
- (1) The Department of Public Safety has knowledge that the bidder has previously abandoned vehicles purchased at auction; or
  - (2) The Department of Public Safety has knowledge that the bidder has previously defaulted on vehicles purchased at auction within the previous twelve months.
- H. If a person submits a bid for a vehicle and does not tender payment within twenty-four hours, then the Department of Public Safety may file an appropriate lawsuit against the successful bidder to recover damages.

## **SECTION 18 - FEES**

- A. All impounded vehicles shall be subject to an administrative fee.
- B. All vehicles that are towed to the storage facility shall be subject to a towing fee.

- C. Any vehicle stored by the Department of Public Safety for more than twenty-four hours shall be subject to a storage fee calculated on a per day basis. There shall be no charge for the first 24 hours of storage of vehicle.
- D. All vehicles sold at public auction shall be subject to an auction fee.
- E. The Department of Public Safety shall be reimbursed for all costs of publication or notice by publication.
- F. The Department of Public Safety shall be entitled to all fees paid under the Department of Public Safety Vehicle Impound Regulations.

**SECTION 19 - FEE SCHEDULE**

Administrative Fee	\$50.00
Towing Fee	\$45.00 if vehicle is towed by Department of Public Safety Officer.
Towing Fee	Actual cost if vehicle is towed by a contractor.
Storage Fee	\$10.00 per day.
Auction Fee	\$50.00
Publication Fee	Actual cost.



# TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan  
Commonwealth of the Northern Mariana Islands



Mathew C. Masga  
Chairman

Bernadita C. Palacios  
Vice Chairwoman

Ignacio K. Quichocho  
Member

Lydia F. Barcinas  
Member

Lucia L. Blanco-Maratita, Esq.  
Executive Director  
TinianGamingED@gmail.com

## **PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS FOR THE REPORTING AND PROPER FILING OF ANNUAL AUDIT, OTHER REPORTS, SUSPICIOUS ACTIVITY AND CURRENCY TRANSACTION REPORTS BY A LICENSED CASINO OPERATOR ON THE ISLAND OF TINIAN**

**PROPOSED RULES AND REGULATIONS:** The Tinian Casino Gaming Control Commission (TCGCC) finds that:

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Tinian Casino Gaming Control Commission intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedures Act, 1 CMC § 9104(a). The Regulations would become effective ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9104(b))

**AUTHORITY:** The proposed TCGCC Regulations are promulgated pursuant to the Commission's authority as provided by Part II Section 5(8)c of the Revised Tinian Casino Gaming Control Act of 1989 to establish regulations and the CNMI Administrative Procedures Act.

**THE TERMS AND SUBSTANCE:** The proposed regulations set forth Rules and Regulations to implement required controls and verification processes to ensure the accurate reporting, proper filing and disclosure of Annual Audit, other reports, Suspicious Activity and Currency Transaction reports by a Licensed Casino Operator on the Island of Tinian as required by the Code of Federal Regulations and the Revised Tinian Casino Gaming Control Act of 1989.

**THE SUBJECTS AND ISSUES INVOLVED:** The Proposed Regulations sets forth the regulations and procedures implementing required controls and verification processes to ensure the accurate reporting, proper filing and disclosure of Annual Audit, other reports, Suspicious Activity and Currency Transaction reports by a Licensed Casino Operator on the Island of Tinian as required by the Code of Federal Regulations and the Revised Tinian Casino Gaming Control Act of 1989.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed regulations and newly adopted regulations. 1 CMC § 9102(a)(1) and posted in convenient places in the Mayor's Office 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 Mr. Mathew C. Masga, Chairman of the Tinian Casino Gaming Control Commission by mail to P.O. Box 500143, Tinian, MP 96952, or by personal delivery to the office, or via fax to (670)433-9290 with the subject line: "Annual Audit, Other Reports, Suspicious Activity and Currency Transaction Reporting for Casino Operator" within (3) calendar days from the date of the publication in the Commonwealth Register. (1 CMC § 9104(a)(2))

These regulations were approved by The Tinian Casino Gaming Control Commission on November 13, 2014.

Submitted by:  12/4/14  
Mathew C. Masga  
Chairman  
The Tinian Casino Gaming Control Commission  
Date

(Received by:  12/24/14  
Esther S. Fleming  
Special Asst for Administration)  
Date

Filed and Recorded by:  12.14.14  
ESTHER SN. NESBITT  
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 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 29th day of December, 2014.

  
GILBERT BIRNBRICH  
Attorney General

**ANNUAL AUDIT, OTHER REPORTS, SUSPICIOUS ACTIVITY AND  
CURRENCY TRANSACTION REPORTS BY A CASINO OPERATOR ON  
THE ISLAND OF TINIAN:**

(a) Irrespective of whether or not the below federal disclosure requirements are found to be applicable under federal law to the CNMI, these federal requirements as found in the federal law and in the Code of Federal Regulations ("CFR") as applicable to the several States of the United States, are hereby adopted as requirements and regulations of the Tinian Casino Gaming Control Commission ("TCGCC") and are to be complied with by the casino operator and the required disclosures and reports shall be directly submitted to and filed with the TCGCC within 48 hours of each such transaction or occurrence unless a different specific time period for filing and/or disclosure is stated in sections (b)-(p).

(b) A casino operator shall, at its own expense, have its annual financial statements audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant licensed to practice in this Commonwealth.

(c) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present the financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(d) One copy of the audited financial statements, together with any management letter or report prepared thereon by the casino operator's independent certified public accountant, shall be filed with the TCGCC not later than 4 months after the end of the operator's fiscal year.

(e) The casino operator shall file with the TCGCC one copy of any other report(s) on internal controls, administrative controls or other matters relative to the casino operator's accounting or operating procedures rendered by the casino operator's independent certified public accountant within 4 months following the end of the operator's fiscal year or upon receipt, whichever is earlier.

(f) If the casino operator or its holding company, intermediary or principal entity is publicly held, the casino operator shall submit a notice to the TCGCC when the operator, its holding company, intermediary or principal entity files any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements with the SEC or other domestic or foreign securities regulatory agency. The notice must include a listing of the reports or forms filed and the date of the filing. The notice to the TCGCC shall be made within 10 business days of the time of filing with the applicable Commission or regulatory agency.



(g) If an independent certified public accountant that was previously engaged as the principal accountant to audit the casino operator's financial statements resigns or is dismissed as the casino operator's principal accountant, or another independent certified public accountant is engaged as principal accountant, the casino operator shall file a report with the TCGCC within 10 business days following the end of the month in which the event occurs, setting forth the following:

(1) The date of the resignation, dismissal or engagement.

(2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure or auditing scope or procedure, including a description of each disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion or qualification shall be described in particularity.

(h) The casino operator shall request the former accountant to furnish to the casino operator a letter addressed to the TCGCC stating whether he agrees with the statements made by the casino operator in response to subsection (g)(2). The letter shall be filed with the TCGCC as an exhibit to the report required under subsection (g).

(i) The casino operator shall file with the TCGCC a Suspicious Activity Report—Casino (SARC) reporting "any suspicious transaction" that the casino operator believes is or may be relevant "to the possible violation" of any CNMI or federal law or regulation in accordance with the requirements of 31 CFR 1021.320 (relating to reports by casinos of suspicious transactions) and the casino operator shall collect and maintain any supporting documentation as required by 31 CFR 1021.320(b)(1) and (d).

(j) A casino operator, director, officer, employee or agent who reports a suspicious activity under subsection (i) may not notify any individual or entity involved in the suspicious activity that the suspicious activity has been reported.

(k) The casino operator shall file with the TCGCC the Currency Transaction Reports by Casino (CTRC) that comply with the requirements of 31 CFR 1021.311 (relating to filing obligations).

(l) Prior to commencing gaming operations, a casino operator shall file with the TCGCC, a copy of the casino operator's compliance program that complies with the requirements of 31 CFR Part 1021 (relating to rules for casinos and card clubs).

Thereafter, a casino operator shall file with the TCGCC any amendment or supplement to the compliance program on or before the effective date of the amendment or supplement.

(m) The reporting and other requirements set forth in subsections (i)-(l) hereof apply to casino operators regardless of whether similar reporting and other requirements must be made to the United States federal government.

(n) A casino operator shall require the independent certified public accountant auditing its financial statements to render the following additional reports:

(1) A report identifying:

(a) Material weaknesses or significant deficiencies in the casino operator's internal controls noted in the course of the examination of the financial statements; and

(b) Recommendations as to how to eliminate each material weakness or significant deficiency identified; and

(2) A report expressing an opinion as to the adequacy of the casino operator's internal controls over financial reporting.

(o) A casino operator shall prepare a written response to the reports required by this regulation which includes details as to any corrective action taken.

(p) No later than 4 months after the end of its fiscal year, a casino operator shall submit to the Commission a copy of:

(1) The reports required under this regulation;

(2) The responses required under this regulation; and

(3) Any other report on internal controls or other matters relative to its accounting or operating procedures rendered by its independent certified public accountant.

**ARONGORONGOL TOULAP, REL POMMWOL ALLÉGH ME MWÓGHUTÚGHÚT ALLÉGH, REL REPORTING AND PROPER FILING OF ANNUAL AUDIT, REL AKKÁÁW REPORTS, SUSPICIOUS ACTIVITY ME CURRENCY TRANSACTION REPORTS SÁNGI LICENSED CASINO OPERATOR WÓL FALÚW YE TCHILİYÓL**

**POMMWOL ALLÉGH ME MWÓGHUTÚGHÚT:** Tinian Casino Gaming Control Commission (TCGCC) re schuungi bwe:

**MÁNGEMÁNGIL POMMWOL REBWE ADAPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTÚGHÚT:** Sángi Tinian Casino Gaming Control Commission re mángemángil re bwe adaptááli bwe e bwe llégh ló mwóghutúghútúl allégh, sángi mwóghutúghútúl Administrative Procedures Act, 1 CMC §9104 (a). E bwe llégh ló kkapasal mwóghutúghút lól seigh (10) ráll mwiiril yaar adaptááli me arongowoowul me rel Commonwealth Register. (1CMC 9104 (b)).

**BWÁNGIL:** Pommwol liwell ngáli mwóghutúghút rel TCGCC Personnel e arongowoow sángi bwángil Commission ye e iischilong rel Peighil II Tálil 5(8)c sángi Revised Casino Gaming Control Act of 1989 igha e fféer ttiw mwóghutúghút me CNMI Administrative Procedures Act.

**KKAPASAL ME AWEEWEL:** Pommwol mwóghutúghút e fféer-tiw Allégh me Mwóghutúghútúl allégh bwe e bwe fféer ngáli millikka e fil rel controls me verification processes bwe e bwe alúghúlúgh rel accurate reporting, proper filing and discloser of Annual Audit, rel akkááw reports, Suspicious Activity me Currency Transaction reports sángi Licensed Casino Operator me wól falúw ye Tchiliyól igha re atiwiligh sángi Code of Federal Regulations me Revised Tinian Casino Gaming Control Act of 1989.

**KKAPASAL ME ÓUTOL:** Pommwol mwóghutúghút e fféer-tiw Allégh me Mwóghutúghútúl allégh igha e bwe le fféeri ngáli millikka e fil rel controls me verification processes bwe e bwe alúghúlúgh rel accurate reporting, proper filing and discloser of Annual Audit, rel akkááw reports, Suspicious Activity me Currency Transaction reports sángi Licensed Casino Operator me wól falúw ye Tchiliyól igha re atiwiligh sángi Code of Federal Regulations me Revised Tinian Casino Gaming Control Act of 1989.

**AFALAFAL REL IISISILONGOL ME ARONGOWOWUL:** E bwe arongowoow pommwol Allégh me Mwóghutúghút me rel Commonwealth Register leyil tálil rel pommwol mwóghutúghút me milikka re adaptááli iye re ffé bwe mwóghutúghút. 1 CMC § 9102 (a) (1) me re appasch tá lól bwuleey kka e ffil rel Mayor's Office, me Bwulasiyol Local Government lól senatorial districts, rel kkasal English, Remaraalis me Refaluwasch. 1 CMC 9104(a) (1)

**ATTOTOOLONGOL MÁNGEMÁNG:** Afanga longyóomw mángemáng rel Mathew C. Masga, Chairaman of the Tinian Casino Gaming Control Commission via mail rel P.O. box 500143, Tchiliyól, MP 96952, ngáre via fax rel (670) 433-9290. Nge e bwe mákketiw wól róóza: "Annual Audit, Other Reports, Suspicious Activity and Currecny Transaction Reporting for Casino Operator lól (30) eliigh ráll fengál lól ráll ye e arongowoowul me Commonwealth Register. (1 CMC § 91049(a)(2)).

Pomwol Mwóghutúghútúl allégh nge aa llégh-ló sáangi Tinian Casino Gaming Control Commission wól Nobembre 13, 2014.

Isáliiyallong:  12-23-14  
Mathew C. Masga Rál  
Chairman  
Tinian Casino Gaming Control Commission

Aramas ye  12/24/14  
E bwuoghi: Esther S. Fleming Rál  
Special Assistant for Administration

File me  12.24.14  
Rekoodliiyal: Esther SN. Nesbitt Rál  
Commonwealth Register

Sáangi 1 CMC § 2153(e) (Allégh kkaal e bwe lléghl-ó sáangi AG bwe e fil reel fféerúl) me 1 CMC § 9104(a)(3) (mwiir sáangi yaal llégh ló me AG) rel pomwol allégh ie re aschuwlong bwe ra takkal amweeri fiischiy, me llégh ló fféerúl me legal sufficiency sáangi CNMI Attorney General me e bwele attootowoow, 1 CMC § 2153(f) (Arongowoowul allégh me mwóghutúghútúl allégh).

E mákketiw wól rál ye 24th lól maram ye December 2014.



GILBERT J. BIRNBRICH  
Sóulemil Allégh Lapalap



# TINIAN CASINO GAMING CONTROL COMMISSION

Munisipalidad Tinian yan Aguiguan  
Commonwealth gi Sangkattan na Islas Marianas

## NUTISIAN PUBLIKU GI MANMAPROPONI NA AREKLAMANTU YAN REGULASION SIHA PARA I RINIPOPOT YAN PROPIU NA FILING I ANNUAL AUDIT , OTTRU RINIPOT SIHA, SUSPETCHAO NA AKTIBIDÁT YAN RIPOT SIHA GI TRANSAKSION SALÁPPI' GI MALISENSIA NA CASINO OPERATOR GI ISLAN TINIAN

**I MANMAPROPONI NA AREKLAMANTU YAN REGULASION SIHA:** I Tinian Casino Gaming Control Commission (TCGCC) ha sodda' na:

**I MA'INTENSIONA NA AKSION NI PARA U MA'ADÁPTA ESTI SIHA I MANMAPROPONI NA AREKLAMANTU YAN REGULASION SIHA:** I Tinian Casino Gaming Control Commission ha intensiona para u adápta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi manera siha gi Áktun Administrative Procedures gi 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10)dahas dispues di adáptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9104(b))

**ÁTURIDÁT:** I manmaproponi na Regulasion siha gi TCGCC manmacho'gui sigun gi áturidát Kumislon kumu mapribeniyi ginin i Pátti II Seksiona 5(8)c gi Maribisa na Áktun Casino Gaming Control gi 1989 para u establesi regulasion siha yan i Áktun CNMI Administrative Procedures

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmaproponi na regulasion siha manmapega mo'na i Areklamentu yan i Regulasion siha ni para u implementa i dinimánda na controls yan verification processes ni para u na'siguru i dinanchi na rinipopot, propiu na pine'lu yan disc \_\_\_\_ e i Annual Audit, ottru na ripot siha, suspetchao na aktibidát yan Transaksion saláppi' siha gi Malisensia na Casino Operator gi Islan Tinian kumu madimánda ni Kodigun Regulasion Federát siha yan i Maribisa i Áktun Tinian Casino Gaming Control gi 1989.

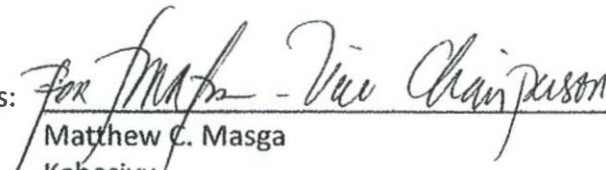
**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** I Manmaproponi na Regulasion siha manmapega mo'na i regulasion yan manera siha ni ma'implemementa i madimánda na controls yan verification processes ni para u na'siguru i dinanchi na rinipopot, propiu na pine'lu yan disclosure i Annual Audit, ottru na ripot siha, suspetchao na aktibidát yan Transaksion saláppi' siha gi Malisensia na Casino Operator gi Islan Tinian kumu madimánda ni Kodigun Regulasion Federát siha yan i Maribisa i Áktun Tinian Casino Gaming Control gi 1989.

**DIREKSION PARA U MAPO'LU YAN MAPUBLIKA:** Esti i Manmaproponi na Areklamentu yan Regulasion Siha debi na u mapublika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi na regulasion siha yan nuebu na ma'adápta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi halum i mangkumbinenti na lugát siha gi Uflsinan Atkát di yan gi halum ufisinan gubietnamentu siha gi halum distritun senadot, parehu English yan gi lingguáhin natibu (1 CMC § 9104(a)(1)).



**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hãno pat intrega i opiñon-mu guatu gi as Siñot Mathew C. Masga, i Kabesiyun i Tinian Casino Gaming Control Commission via mail gi P.O. Box 500143, Tinian, MP 96952, pat chull' guatu petsonãtmienti guatu gi ufisina, pat via fax gi (670)433-9290 gi ráyan suhetu gi: "Annual Audit, Ottru Ripot Siha, Suspetchão na Aktibidãt yan Rinipot Siha gi Transaksion Salãppi' ni Casino Operator" gi halum trenta(30) dihas ginin i fetchan kalendãriu gi publikasion gi halum i Rehistran Commonwealth. (1 CMC 9104(a)(2))

Esti na regulasion siha maninaprueba ni Tinian Casino Gaming Control Commission gi Nubembri 13, 2014.

Nina'hálum as:  12-23-14  
Matthew C. Masga  
Kabesiyu  
Tinian Casino Gaming Control Commission  
Fetcha

Rinisibi as:  12/24/14  
Esther S. Fleming  
Ispisiãt Na Ayudãnti Para Atministrasion  
Fetcha

Pine'lu yan  
Ninota as:  12.24.14  
ESTHER SN. NESBITT  
Rehistran Commonwealth  
Fetcha

Sigun i 1 CMC § 2153(e) (Inapruedan Abugãdu Henerãt ni regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (inahentan inapruedan Abugãdu Henerãt) i manmaproponi na regulasion siha guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapublika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha guini gi diha 24th, gi December, 2014.

  
GILBERT BIRNBRICH  
Abugão Henerãt



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

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**Gilbert J. Birnbrich**  
Attorney General

**To :** Juan M. Sablan, Chairman  
Commonwealth Casino Commission

**From :** Gilbert J. Birnbrich, Attorney General

**Subject:** Concerning whether retirees serving as members of the Commonwealth Casino Commission are subject to the prohibitions set forth in 1 CMC § 8392.

**ATTORNEY GENERAL’S LEGAL OPINION NO. 2014-04**

The Chairman of the Commonwealth Casino Commission, Juan M Sablan, requests an opinion of the Attorney General concerning whether Commonwealth government retirees serving as Commissioners on the Commonwealth Casino Commission are subject to the prohibitions set forth in 1 CMC § 8392, popularly known as the prohibition on “double dipping” by retired government employees.

**QUESTION PRESENTED**

Under 1 CMC § 8392, retired employees of the Commonwealth of the Northern Mariana Islands (the “Commonwealth”) are prohibited from again obtaining employment with the Commonwealth except in certain limited circumstances. 4 CMC § 2313(j) states that members of the Commission are not employees of the Commonwealth Casino Commission (the “Commission”) or the Commonwealth government. Can a Commonwealth government retiree serving as a Commissioner receive both their government retirement benefit and their compensation due for their services as Commissioners as provided by 4 CMC § 2313(g)?

**SHORT ANSWER**

Yes. With few exceptions not applicable here, retired Commonwealth government employees are prohibited from “be[ing] employed by or under an employment or consulting contract with the government of the Northern Mariana Islands or its public corporations, boards or commissions.” 1 CMC § 8392(a). Public Law 18-56 created the Commission to regulate casino gambling in the Northern Mariana Islands. 4 CMC § 2313. In doing so, § 2313 explicitly provides “[t]he members of the Commission are not employees of the Commission or the Commonwealth Government.” As members of the Commission are neither employees of the Commonwealth or the Commission, a retired government employee can serve as a member of the Commission

without violating 1 CMC § 8392, and can thus receive both their government retirement benefit and their compensation due for their services as Commissioners as provided by 4 CMC § 2313(g).

#### ANALYSIS

The answer to the question presented requires the comparison of two different statutes: 1 CMC § 8392 and 4 CMC § 2313. Section 8392 is designed to prevent “double dipping” by government retirees. Black’s Law Dictionary defines “double dipping” as: “An act of seeking or accepting the same benefit twice, either from the same source or from two different sources.” Black’s Law Dictionary 597 (10th Deluxe ed. 2014). In this case, the double-dipping that § 8392 seeks to avoid is a government retiree accepting benefits from the Retirement Fund and a salary from the Commonwealth. As a result, § 8392 establishes a general prohibition: “A person who has retired and received retirement benefits from the government of the Northern Mariana Islands shall not be employed by or under an employment or consulting contract with the government of the Northern Mariana Islands or its public corporations, boards or commissions.” 1 CMC § 8392. Recognizing that there may be situations in which it is necessary to hire a government retiree, § 8392(a) creates a number of exceptions, none of which is relevant here.

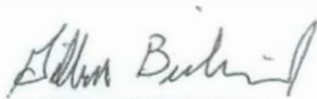
Although the members of the Commission are not included as an exception, or qualify for any of the exceptions, under § 8392(a), government retirees can nonetheless be members of the Commission because they are not considered employees of the Commission or Commonwealth Government. According to the Commission’s enabling legislation, “[t]he members of the Commission are not employees of the Commission or the Commonwealth government.” 4 CMC § 2313(j). Section 8392 only prohibits a retiree who receives benefits from “be[ing] employed by or under an employment or consulting contract with the government of the Northern Mariana Islands or its public corporations, boards or commissions.” 1 CMC § 8392(a). As the members of the Commission are not employed by or hired as a consultant by the Commonwealth or the Commission, the prohibition in § 8392 does not apply. Therefore, members of the Commission that are retirees may receive both their government retirement benefits and their compensation due for their services as provided by 4 CMC § 2313(g).

This result is admittedly somewhat awkward. Black’s Law Dictionary defines “employee” as: “Someone who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.” Black’s Law Dictionary 639 (10th deluxe ed. 2014). One could argue that members of the Commission are “employees” under “implied contracts for hire” for the purposes of § 8392, § 2313(j) notwithstanding. Nevertheless, it was obviously the intent of the drafters of P.L. 18-56 to exclude members of the Commission from the prohibitions of § 8392. There is simply no other conceivable reason to include § 2313(j) in the Commission’s enabling legislation, other than to specifically exempt the Commission members from the reach of § 8392.

#### CONCLUSION

Commissioners of the Commonwealth Casino Commission are exempt from 1 CMC § 8392’s double dipping restrictions because, under 4 CMC § 2313(j), members of the Commission are not employees of the Commission. Section 8392’s restrictions prohibit retirees receiving benefits from “be[ing] employed by or under an employment or consulting contract with the government of the Northern Mariana Islands or its public corporations, boards or commissions.” 1 CMC § 8392. Section 2313(j) specifically provides that “[t]he members of the Commission are not employees of the Commission or the Commonwealth government.” 4 CMC § 8392. Since, pursuant to law, the Commission members are not employees of the Commonwealth government,

Commissioners that are retirees are exempt from § 8392's prohibitions, and can receive both their government retirement benefit and their compensation due for their services as Commissioners as provided by 4 CMC § 2313(g).



Gilbert J. Bimbrich  
Attorney General

12.22.14  
Date