

TITLE 125: BOARD OF PROFESSIONAL LICENSING

CHAPTER 125-10 ADMINISTRATIVE REGULATIONS FOR PRACTICE AND PROCEDURE

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Chapter Authority: 4 CMC § 3108 (2004).

Chapter History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Amdts Adopted 16 Com. Reg. 12681 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 11878 (May 15, 1994); Amdts Adopted 14 Com. Reg. 8775 (Feb. 15, 1992); Amdts Proposed 13 Com. Reg. 8514 (Dec. 15, 1991); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: PL 1-8, ch. 5 (effective Aug. 10, 1978), formerly codified as amended at 4 CMC §§ 3101-3110, created the Board of Professional Licensing, a regulatory board within the Commonwealth government. See 4 CMC § 3101 (2004).

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(c):

Section 304. Department of Public Works.

...

(c) Board of Professional Licensing. The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-99, the “Board of Professional Licensing Amendments Act of 1998,” formerly codified at 4 CMC §§ 3101-3221, took effect on September 21, 1999. PL 11-99 reenacted 4 CMC §§ 3101-3110 with numerous revisions. PL 11-99 § 3 (§ 3101), 4 CMC § 3101 (2004), reestablished the Board as a regulatory board “within the Commonwealth government.” The Board was authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105 (2004). PL 11-99 § 3 (§ 3108), 4 CMC § 3108 (2004), empowered the Board to adopt rules and

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regulations to implement the act including rules and regulations to establish credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board had jurisdiction.

PL 14-95 (effective Oct. 31, 2005), the “Board of Professional Licensing Amendments Act of 2005,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. 4 CMC § 3102 reestablishes the Board of Professional Licensing with the power to license and regulate architects, engineers, land surveyors, landscape architects and real property appraisers and administer the act. 4 CMC § 3106 grants the Board the power to adopt regulations, rules of procedures and rules of professional conduct consistent with the act.

The 1999 amendments to the Administrative Regulations rearranged and revised many sections of the original 1991 regulations, but did not address the sections codified in part 200. Because the 1999 amendments did not explicitly delete the provisions of part 200, the Commission has retained them.

On March 15, 1992, the Board of Professional Licensing published notice of proposed Regulations for Contractors. See 14 Com. Reg. 9118 (Mar. 15, 1992). A notice of adoption for the proposed Contractors Regulations was never published.

The Notice of Adoption for the 2013 amendments stated that these regulations were to be codified at Title 125-20.1. As Title 125-20.1 was already in use, the Commission codified the amendments at this chapter.

Part 001 - General Provisions

§ 125-10-001 Establishment

The Board of Professional Licensing (hereafter the “Board”) is a regulatory agency of the executive branch of the CNMI government established by law (4 CMC § 3101).

History: Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-005 Mission Statement

The mission of the Board is to protect the public’s health, safety, and welfare through the regulation of the practice of engineering, architecture, land surveying, landscape architecture, and real property appraisal in the Commonwealth by:

- (a) Ensuring that those entering the practice are professionals that meet minimum standards of competency by way of education, experience, and examination;
- (b) Requiring that any person practicing or offering to practice professional engineering, architecture, land surveying, landscape architecture, or real property appraisal in the CNMI under the jurisdiction of BPL is licensed;
- (c) Establishing standards of practice for those licensed to practice;
- (d) Enforcing the laws, rules and regulations, and standards governing the professional engineering, architecture, land surveying, landscape architecture, and real property appraisal professions; and
- (e) Providing consumers appropriate public information they need to make informed choices

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for procuring professional engineering, architecture, land surveying, landscape architecture, or real property appraisal services.

Modified, 1 CMC § 3108(g).

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

In the opening paragraph, the Commission deleted the repeated word “of.” The Commission inserted commas after the word “appraisal” in subsections (b) and (d) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “professional” in subsections (a), (b), (d), and (e).

The 2013 amendments amended subsections (a), (b), (d), and (e).

Part 100 - Administrative Regulations for Practice and Procedures

§ 125-10-101 Board Members

(a) **Composition.** The Board is composed of five members appointed by the Governor, with the advice and consent of the Senate. One member shall be from Tinian, one member shall be from Rota, and three members shall be from Saipan. Of the five members, at least one member shall be a woman and three members shall be from the professional fields as set forth by law.

(b) **Qualifications.** Each member shall have been a resident of the Commonwealth for at least three years. A member practicing the profession shall have been engaged in the practice of the member’s profession for at least five years immediately preceding the date of the member’s appointment and is also licensed to practice the profession in the Commonwealth. The public member(s) of the Board shall not be or have been a professional engineer, architect, land surveyor, landscape architect, or real property appraiser.

(c) **Tenure.** The members of the Board shall serve for six years. No member may serve more than two consecutive six-year terms. In the event of a vacancy on the Board for reason resulting in an unexpired term and the governor has failed to appoint a successor within three months after the vacancy occurs, the Board may appoint a provisional member to serve in the interim until the governor makes an appointment.

(d) **Quorums; Voting.** Three members are necessary to make a quorum of the Board and a concurrence of a majority of the quorum shall be necessary to constitute approval of those matters needing approval of the Board.

(e) **Compensation.** Members of the Board shall serve without pay but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

(f) **Resignation of Member.** A member of the Board who desires to resign from membership

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shall do so in writing, addressed to the Board. The subject of the resignation shall be placed upon the agenda for the next regular meeting of the Board, at which meeting the Board shall act upon the resignation. If the resignation is accepted by the Board, the Chairperson shall contact the Governor in writing, to inform him of the vacancy and request appointment of a new member to serve for the balance of the unexpired term of the resigned member.

(g) **Jurisdiction.** Notwithstanding any other provision of P.L. 14-95 and 17-39, the Board's power, authority, and jurisdiction shall extend to persons engaging in the professions regulated by the Board, including but not limited to non-licensees and persons offering their own services or the services of their employees or agents.

(h) **Liability.** No member of the Board and no member of the Board's staff shall be held liable for action or inaction attributable to the lawful exercise of their responsibilities under the law and the rules and regulations.

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999). Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The 1999 amendments added new subsections (b) and (c), moved subsection (d) from former part XVIII, with amendments, moved subsection (e) from former part VIII and amended subsection (a). The 2013 amendments inserted new subsections (d), (e), (g), and (h), and re-designated the remaining subsections.

The Commission inserted a comma after the word "Rota" in subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word "professional" in subsection (b) pursuant to 1 CMC § 3806(f). The Commission struck the figures "2" and "3" from subsection (c) pursuant to 1 CMC § 3806(e).

§ 125-10-105 Duties

The Board shall have the power, jurisdiction, and authority to:

(a) Adopt and amend all bylaws, regulations, rules of procedures not inconsistent with the constitution and laws of the Commonwealth and P.L. 14-95 and 17-39, including the adoption and promulgation of the Rules of Professional Conduct for architects, engineers, land surveyors, and landscape architects, which shall be binding upon persons licensed under the law and the regulations and which shall be applicable to partnerships and corporations holding a Certificate of Authorization, which is necessary for the proper performance of its duties and the regulations of its procedures, meetings, records, examinations and the conduct thereof;

(b) Enforce the law, rules, and regulations adopted pursuant thereto;

(c) Adopt and have an official seal, which shall be affixed to each license or certificate issued;

(d) Apply for relief by injunction in the Superior Court, without bond, to enforce the provisions of the law, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove, either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The

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members of the Board shall not be personally liable under these proceedings;

- (e) Issue or deny licenses, including temporary, provision, conditional, and limited licenses;
- (f) Conducts investigations and hearings;
- (g) Discipline, including:
 - (1) Refuse to issue or renew, fine;
 - (2) Reprimand;
 - (3) Suspend;
 - (4) Revoke;
 - (5) Place on probation;
 - (6) Require payment of fees, charges, or expenses;
 - (7) Levy fines; and
 - (8) Place conditions on granting or renewal of a license;
- (h) Settle disciplinary and other contested matters, consistent with the policy of the law and/or the regulations;
- (i) Work with and secure from professional, governmental, and other organizations the following services and goods:
 - (1) Receipt and review of applications;
 - (2) Investigations;
 - (3) Development of standards;
 - (4) Development, administration, and review of examinations; and/or
 - (5) Other goods and services related to the Board's duties;
- (j) Join and maintain memberships in professional, governmental, and national organizations;
- (k) Determine, charge, and collect reasonable fees;
- (l) Receive fees and appropriated funds, grants, contract payments, and other funds;
- (m) Establish and employ accounts, including restricted fund accounts;
- (n) Employ staff and consultants as required to assist it in performing its duties;
- (o) Determine those professional organizations with which it will affiliate for approving applications. In establishing credentialing criteria or administering examinations, the Board may enter into contracts for the purchase or other acquisition, using scoring or validation of professional tests. In lieu of an examination, the Board may accept the license or certification issued by an agency of the United States, or of a state or political subdivision of a state, or of a territory or possession of the United States;
- (p) Contract with private entities for the performance of such duties, functions, and powers,

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as the Board considers appropriate;

- (q) Subject an applicant for licensure or certification to such written or oral or both written and oral examinations, as it deems necessary to determine their qualifications;
- (r) Require a demonstration of continuing competency of professional engineers, architects, land surveyors, or real property appraisers as a condition of renewal of license; and
- (s) Do all other things necessary to carry out the provisions of the law, the rules and regulations and to meet the requirements of federal law where necessary regarding licensing or certification of architects, engineers, land surveyors, landscape architects, and real property appraisers that the Board determines are appropriate for these professions in the CNMI.

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999).

Commission Comment: The 2013 amendments completely rewrote this section. The paragraphs of subsections (g) and (i) were undesignated in the original regulation. The Commission designated them as subsections (g)(1) through (g)(8) and (i)(1) through (i)(5) pursuant to 1 CMC § 3806(a).

The Commission inserted commas after the words “jurisdiction” in the initial paragraph, “rules” in subsection (c), “conditional” in subsection (e), “administration” in subsection (i)(4), “governmental” in subsection (j), “charge” in subsection (k), and “payments” in subsection (l) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “professional” in subsection (r) pursuant to 1 CMC § 3806(f).

§ 125-10-107 Revolving Fund

- (a) The Board of Professional Licensing Revolving Fund (BPLRF) is hereby established. The Department of Finance shall maintain all funds generated under this chapter in a segregated, restricted special account within the general fund.
 - (b) All monies received in payment for licensing fees to the Board and* shall be deposited into the BPLRF. Funds shall be expended to pay for fees and dues to professional, governmental, and other organizations. Notwithstanding any other provision of law, they shall not be reprogrammed for any other purposes. At the end of each fiscal year, all lapsed funds shall be transferred to the CNMI general fund.
- * So in original.
- (c) The Board will prepare an annual budget for approval and appropriation by the legislature. The budget may exceed the amount of the funds projected by the BPLRF to be generated under the law.
 - (d) The Chair of the Board of Professional Licensing or the chair’s designee and the Board Secretary shall be the expenditure authority for the BPLRF.
 - (e) At the close of each fiscal year, the Board shall provide the presiding officers of the

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legislature with an accounting of the use of funds deposited into the BPLRF.

History: Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Proposed 35 Com. Reg. 33591 (June 28, 2013).

Commission Comment: The Commission corrected the capitalization of the words “chapter” in subsection (a) and “legislature” in subsections (c) and (e) pursuant to 1 CMC § 3806(f).

§ 125-10-110 Officers

(a) The Board shall elect, by the majority vote of a quorum of its members, a Chairman, a Vice Chairman, and a Secretary. The Board may establish such other officers as it shall deem necessary or appropriate.

(b) Duties of Officers.

(1) Chairperson - The Chairperson shall, when present, preside at all meetings. He/she shall appoint all standing and/or special committees and shall be an ex-officio member of all committees. He/she shall perform all other duties pertaining to the office of the Chairperson.

(2) Vice Chairperson - The Vice Chairperson shall, in the absence of the Chairperson, exercise the duties of and possess all the powers of the Chairperson.

(3) Secretary - The Secretary shall record or cause to be recorded the minutes of all board meetings and keep them in a book or file, to maintain current, accurate copies of all board documents (law, all regulations, rules), and to sign licenses or certificates issued by the Board. The Secretary shall perform such additional duties as designated by the Chair.

(c) Elections. The officers of the Board shall be elected every two years.

(d) Terms of Office. The Officers of the Board shall serve two-year terms unless their membership on the Board is terminated sooner than two years for whatever reason. The Board may fill any vacancy among its officers for the remainder of the unexpired term. In the event of a vacancy of the Chairperson’s position the Vice Chair automatically becomes the Chairperson.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The 1999 amendments added new subsections (b) and (c) and amended subsections (a) and (d). The 2013 amendments amended subsection (c).

§ 125-10-115 Committees

The Board may establish such standing and special committees, and prescribe their powers, duties, and functions as it shall deem necessary. The Chairperson of the Board shall appoint the chairperson of all committees, provided, however, that in so doing, the Chairperson shall give

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due recognition to the desire to each member to serve as chairperson on a particular committee. No member of the Board may be the chairperson of more than one standing committee. The Chairperson as ex officio member of all committees shall not serve as the chairperson of a standing committee.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The Commission corrected the spelling of “officio.”

§ 125-10-120 Meetings

(a) In general:

(1) The Board shall act at its meetings, or as otherwise provided by law.

(2) The Board shall make provision for the attendance of members by electronic means, if a member so requests.

(3) Meetings shall be noticed as required by law.

(4) A copy of meeting materials distributed to the members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.

(b) Time. The time for the regular meetings of the Board shall be established by action of the Board for each year, except as otherwise permitted or provided by law.

(c) Location.

(1) Regular meetings shall be held at such place as the Board may establish by regulation, and the location shall be properly noticed to the public.

(2) The Board may meet by electronic means, and any member may attend a meeting by electronic means.

(3) When the Board meets by electronic means, access to the meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending member at the site. This may include use of speakerphone or video conferencing equipment for a conference call meeting.

(4) Votes of members may be received by electronic means and announced at a meeting.

(d) Quorum. Three members are necessary to make a quorum and a majority of the members then in office shall constitute a quorum for the transaction of business at any Board meeting, or for approval of those matters needing approval of the Board. One or more vacancies in the Board shall not impair the right of the remaining members to constitute a quorum and exercise all the powers of the Board.

(e) Open Meetings. Board meetings and hearings shall be open to the public, as provided in the Open Government Act, 1 CMC §§ 9901-18, as amended.

(f) Conduct of Meetings. Unless the Board adopts regulations that provide for other

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procedures, the latest edition of Robert's Rules of Order shall govern the proceedings of the Board.

- (g) Regular Meetings. Regular meetings shall be held as determined by the Board.
- (h) Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Board. The Chairperson or any two members may call special meetings of the Board. The executive director shall notify members of the board in writing, at least one week before the date of any regular meeting, and as soon as practical before the date of any special meeting. Such notice shall, whenever possible, include a proposed agenda for the meeting and copies of any documents relevant to matters which will be before the board for its consideration at the meeting.
- (i) Executive Session. Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in Executive Session, for the following purposes:
 - (1) To discuss personnel matters, including the hiring, firing, and discipline of staff and/or contractors;
 - (2) To discuss pending or potential litigation or investigations;
 - (3) To discuss aspects of the Board's business affairs that is* confidential and/or proprietary by law;
 - (4) To discuss a matter that may give rise to a conflict of interest, or an appearance of a conflict, with the discussion taking place in the absence of the member(s) related thereto; and
 - (5) To address other matters permitted by law.

* So in original.

- (j) Discussion by electronic means.
 - (1) The Board may discuss a matter over time by electronic means, as well as in real time, provided that access to the discussion shall be publicly given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating member.
 - (2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.
 - (3) Such discussion shall be noticed according to the Board's regulations and shall comply with Commonwealth law regarding open meetings.
 - (4) The Board shall arrange for a person, upon request, the reasonable use of a public-available electronic means at the Board's office with internet access in order to allow review of the discussion.
- (k) Accessibility. The Board shall comply with the accessibility requirements required by law and may, upon a person's request accommodate other special needs relating to sight, sound, language, or location.
- (l) Order of Business. An agenda outlining the order of business shall be prepared for all Board meetings. The agenda shall be prepared by the Executive Director and approved by the Chairperson. The agenda shall include the following:

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- (1) Meeting call to order
- (2) Determination of quorum
- (3) Review and adoption of agenda
- (4) Review and adoption of previous meeting minutes
- (5) Communications from Governor's Office and Legislature
- (6) Chairperson's report
- (7) Executive Director's report
- (8) Investigator's report
- (9) Committee reports
- (10) Old business
- (11) New business
- (12) Applications for Board's review
- (13) Miscellaneous business
- (14) Executive session
- (15) Announcements
- (16) Adjournment of meeting.

(m) **Rules of Order.** The Board shall be governed by the most recent edition of Robert's Rules of Order, when not in conflict with the law or the administrative policy and procedures in this chapter. The Chairperson shall rule on all questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote, provided, however, that any two members of the Board may request a secret ballot upon any matter before the Board.

(n) **Minutes.** The Board shall record or cause to be recorded a summary of the proceedings before it at its meetings. The minutes of the Board meetings shall be prepared by the Executive Director and reviewed and approved by the Secretary of the Board.

(o) **Attendance/Termination.** Attendance at all meetings is compulsory unless excused due to medical or other valid reasons by the Chairperson. Should a member have three unexcused absences from three regular meetings within any calendar year, the Board shall (upon the motion

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by one of its members that has been duly seconded by another member and then approved of by at least four members) recommend to the Governor that such member be terminated “for cause” from the Board.

(p) Delegation. When the Chairperson will be out of the CNMI or otherwise unable to perform official functions, the Vice Chairperson shall automatically be delegated such functions. If the Vice Chairperson is for any reason unable to assume such functions, the Secretary shall be the delegatee. If the Vice Chairperson and Secretary are unable to assume such functions, the Vice Chairperson shall delegate such responsibilities to another Board member.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Amdts Adopted 16 Com. Reg. 12681 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 11878 (May 15, 1994); Amdts Adopted 14 Com. Reg. 8775 (Feb. 15, 1992); Amdts Proposed 13 Com. Reg. 8514 (Dec. 15, 1991); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The original paragraphs of subsection (l) were not designated. The Commission designated subsections (l)(1) through (l)(16).

The 1992 amendments amended subsection (b). The 1994 amendments amended subsection (f). The 1999 amendments moved subsections (a), (b), (c), (d), (e), (f), (g) and (h) from former parts XIII, V, XIV, XIV, XVII, XV, XIX, and XX, respectively, with numerous amendments. The 2013 amendments completely rewrote this section.

The Commission inserted commas after the words “firing” in subsection (i)(1) and “language” in subsection (k) pursuant to 1 CMC § 3806(g).

§ 125-10-122 Travel

Travel. Travel out of the CNMI at Board expense shall only be as approved by the Board based on funding and other relevant factors, except that, in an emergency when Board action is impracticable, the Chairperson shall decide the travel issue. A written report on the relevant information of the Board within (10)* working days following return is required. No member may travel if he/she has not submitted an acceptable written report from prior travel.

* So in original.

History: Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Proposed 35 Com. Reg. 33591 (June 28, 2013).

§ 125-10-125 Staff

The Board, subject to budgetary appropriation, employ staff as required to assist it in performing its duties. The executive director shall be exempt from civil service and shall receive an annual salary as determined by the Board pursuant to 1 CMC § 8246.

History: Amdts Adopted 35 Com. Reg. 34566 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 33591 (June 28, 2013); Amdts Adopted 21 Com. Reg. 17030 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16937 (Oct. 15, 1999); Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

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Commission Comment: The 1999 amendments moved this section from former part X, with amendments.

Part 200 - Other Provisions

§ 125-10-201 Jurisdiction

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

- (a) Architects;
- (b) Engineers;
- (c) Surveyors;
- (d) Plumbers;
- (e) Electricians;
- (f) Carpenters;
- (g) Ship's officers;
- (h) Barbers and beauticians;
- (i) And all other professions and trades except those exempted under 4 CMC § 3107, to wit, lawyers, teachers, healing arts practitioners and any profession or trade over which exclusive jurisdiction as to licensing, certification or credentialing has been given to an agency of the United States or to another department, agency or instrumentality of the CNMI.

Modified, 1 CMC § 3806(f).

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (i).

The Board of Professional Licensing promulgated the sections in this part in the 1991 Administrative Regulations. The 1999 amendments to the Administrative Regulations for Practice and Procedure rearranged and revised many sections of the 1991 regulations, but did not address the sections codified in this part. Because these sections were not explicitly deleted, the Commission has retained them.

§ 125-10-205 Exceptions

Pursuant to 4 CMC § 3106, the hiring of unlicensed apprentices, trainees and helpers is not

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prohibited so long as they are under the general supervision of a licensee.

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-210 Rules and Regulations

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

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-215 Professional Organizations and Public Agencies

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

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-220 Examination, Experience, and Education Criteria

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

* So in original.

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The Commission inserted a comma after the word "experience" pursuant to 1 CMC § 3806(g).

§ 125-10-225 Amendments

The bylaws in this chapter may be amended during any duly noticed meeting of the Board.

Modified, 1 CMC § 3806(d).

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-230 Definitions

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

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

§ 125-10-235 Violations, Investigations, and Hearings

(a) It shall be a violation of law, and of the regulations in this chapter and other applicable rules and/or regulations adopted by the Board, for any unlicensed person or entity to perform any act(s) in the CNMI which act(s) is/are commonly performed by professions or trades subject to the licensing power of the Board. It shall be a violation of these regulations for any licensed professional to commit fraud or deceit or negligence in the applications process or in the performance of the licensee's professional duties. The Board is empowered, through the Office of the Attorney General, to obtain appropriate legal remedies therefor including injunctive relief. The Board is empowered to investigate any alleged violation of law or Board rule and regulations, to conduct hearings consistent with the Administrative Procedure Act [1 CMC §§ 9101, et seq.] and other applicable law, to subpoena witnesses and/or documents, to swear witnesses, and to otherwise conduct an investigation of any alleged violation of law or its rules and/or regulations.

(b) Any person or entity, including a Board member, may file written charges alleging a violation of law or Board rules or regulations. These charges shall be reviewed by the Board at the next regularly scheduled meeting following receipt of the charges, or at a special meeting, and the vote of four members shall be necessary to institute an investigation as above-mentioned. Following an investigation, the Board may schedule a hearing on said charges as abovementioned, upon the vote of four members. The hearing shall be scheduled within three months following receipt of said charges, unless not practicable. A copy of the charges and notice of the hearing shall be sent, by registered mail, return receipt, or by personal delivery, to the subject of the charges, at least thirty days prior to the date fixed for a hearing. If the person or entity which is the subject of the charges cannot be located, a legal notice of said charges shall be printed in a local newspaper, in English, Chamorro, and Carolinian for two consecutive weeks, unless other applicable law presents a different method of notice.

Modified, 1 CMC § 3806(d), (e), (g).

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission changed "Procedures" to "Procedure" to correct a manifest error. The Commission inserted commas after the words "investigations" in the section title, "witnesses" in subsection (a), and "Chamorro" in subsection (b) pursuant to 1 CMC § 3806(g).

§ 125-10-240 Remedies

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

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Modified, 1 CMC § 3806(e).

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

§ 125-10-245 Architects, Engineers, Landscape Architects, and Land Surveyors

The provisions of 4 CMC §§ 3211, et seq., as amended, shall apply to said professions and to all Board actions regarding said professions.

History: Adopted 13 Com. Reg. 8519 (Dec. 15, 1991); Proposed 13 Com. Reg. 8097 (Oct. 15, 1991).

Commission Comment: The Commission inserted a comma after the word “architects” in the section title pursuant to 1 CMC § 3806(g).