

# TITLE 125: BOARD OF PROFESSIONAL LICENSING

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## SUBCHAPTER 125-20.2 RULES OF PROFESSIONAL CONDUCT

### **Part 001 General Provisions**

§ 125-20.2-001 Preamble  
§ 125-20.2-005 Licensee's/Firm's  
Obligation to the Public  
§ 125-20.2-010 Licensee's/Firm's  
Obligation to Employer and Clients  
§ 125-20.2-015 Licensee's/Firm's  
Obligation to Other Licensees/Firms

§ 125-20.2-315 Information  
Requested by the Board  
§ 125-20.2-320 Unqualified  
Applicants for Licensure  
§ 125-20.2-325 Duty to Disclose  
Violations  
§ 125-20.2-330 Association with  
Persons Engaged in Fraudulent or Dishonest  
Practices

### **Part 100 Competence**

§ 125-20.2-101 Reasonable and  
Ordinary Care and Skill  
§ 125-20.2-105 Advice from Other  
Professionals  
§ 125-20.2-110 Proper Qualifications  
Required  
§ 125-20.2-115 Mental or Physical  
Impairment

### **Part 400 Compliance with Laws**

§ 125-20.2-401 Knowing Violations  
§ 125-20.2-405 Influencing  
Government Officials  
§ 125-20.2-410 Violations in Other  
Jurisdictions  
§ 125-20.2-415 Fair Labor Practices;  
Discrimination

### **Part 200 Conflict of Interest**

§ 125-20.2-201 Compensation from  
More than One Party  
§ 125-20.2-205 Compensation for  
Endorsement of Products  
§ 125-20.2-210 Impartial Decisions  
on Contracts  
§ 125-20.2-215 Financial Conflict of  
Interest  
§ 125-20.2-220 Members of  
Governmental Bodies

### **Part 500 Professional Conduct**

§ 125-20.2-501 Resident Registered  
Engineer, Architect, Land Surveyor, or  
Landscape Architect  
§ 125-20.2-505 Signature and Seal  
§ 125-20.2-510 Gifts to Prospective  
Clients  
§ 125-20.2-515 Fraud; Willful  
Disregard of Others  
§ 125-20.2-520 Injury to Professional  
Reputation

### **Part 300 Full Disclosure**

§ 125-20.2-301 Compensation for  
Statements; Disclosure  
§ 125-20.2-305 Representation of  
Qualifications and Responsibility  
§ 125-20.2-310 Violations of  
Regulations; Public Safety

### **Part 600 Solicitation of Work**

§ 125-20.2-601 Solicitation  
Consistent with Applicable Law  
§ 125-20.2-605 Misrepresentation of  
Qualifications and Experience in Solicitation  
of Business

Subchapter Authority: 4 CMC § 3108 (2004).

Subchapter History: Amdts Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35038 (May 28, 2014); Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15,

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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1995).

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

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,” 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, reestablished the Board as a regulatory board “within the Commonwealth government.” The Board is authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105. PL 11-99 § 3 (§ 3108), 4 CMC § 3108, empowers the Board to adopt rules and 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 has 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. See the general commission comment to NMIAC chapter 125-10.

PL 17-39 (effective April 21, 2011), the “Board of Professional Licensing Amendments Act of 2010,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. To the extent that these regulations conflict with the terms of PL 17-39, they are superseded.

### **Part 001 - General Provisions**

#### **§ 125-20.2-001 Preamble**

(a) To comply with the purpose of 4 CMC § 3108 which is to safeguard life, health, and property, to promote the public welfare, and to maintain a high standard of integrity and practice, the Board of Professional Licensing has adopted the following “Rules of Professional Conduct.” These rules shall be binding on every person or firm holding a license or a certificate of authorization to offer or perform engineering, architecture, land surveying, or landscape architecture services in the Commonwealth of the Northern Mariana Islands. All persons or firms licensed pursuant to 4 CMC § 3101 are required to be familiar with the statute, the regulations, and these rules. The “Rules of Professional Conduct” delineates specific obligations the licensee or firm must reach. In addition, each licensee or firm is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of professional engineering, architecture, land surveying, or landscape architecture.

(b) The practice of professional engineering, architecture, land surveying, and landscape architecture is a privilege, as opposed to a right. All licensees or firms shall exercise their

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

---

privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

(c) Licensees or firms shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

(d) They shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by the rules in this subchapter. Their professional reputation shall be built on the merit of their services, and they shall not compete unfairly with others.

(e) The Rules of Professional Conduct as promulgated herein are enforced under the powers vested in the Board of Professional Licensing.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35038 (May 28, 2014); Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e). The Commission removed extra section symbols and commas, inserted a comma after the word “regulations” in subsection (a), and corrected “firm” to “firms” in subsections (a) and (b) pursuant to 1 CMC § 3806(g).

The 1999 amendments deleted former subsections (b) and (c), added new subsections (b) through (e) and amended subsection (a). The 1995 and 1999 amendments readopted and republished the Rules of Professional Conduct for Engineers, Architects, Land Surveyors, and Landscape Architects in their entirety. The Commission, therefore, cites the 1995 and 1999 amendments in the history sections throughout this subchapter.

### **§ 125-20.2-005 Licensee’s/Firm’s Obligation to the Public**

(a) Licensees or firms, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.

(b) Licensees or firms shall approve and seal only those documents and surveys that conform to accepted engineering, architecture, land surveying, or landscape architecture standards and safeguard the life, property, and welfare of the public is endangered.

(c) Licensees or firms shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where life, health, property, or welfare of the public is endangered.

(d) Licensees or firms shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.

(e) Licensees or firms shall express a professional opinion publicly only when it is founded

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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upon on adequate knowledge of the facts and a competent evaluation of the subject matter.

(f) Licensees or firms shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

(g) Licensees or firms shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm who is engaging in fraudulent or dishonest business or professional practices.

(h) Licensees or firms having knowledge of possible violations of any of these “Rules of Professional Conduct” shall provide the Board information and assistance necessary to the final determination of such violation.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” in subsections (g) and (h) pursuant to 1 CMC § 3806(g).

### **§ 125-20.2-010 Licensee’s/Firm’s Obligation to Employer and Clients**

(a) Licensees or firms shall undertake assignments only when qualified by education or experience in the specific technical fields of architecture, engineering, land surveying, or landscape architecture involved.

(b) Licensees or firms shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.

(c) Licensees or firms may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the licensee responsible for preparation of that design segment.

(d) Licensees or firms shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer as authorized or required by law.

(e) Licensees or firms shall not solicit or accept financial or other valuable consideration, directly or indirectly from contractors, their agents, or other parties in connection with work for employers and clients.

(f) Licensees or firm shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

(g) Licensees or firms shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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(h) Licensees or firms shall not solicit or accept a professional contract from a government body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the government body which they serve.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” throughout the regulation, corrected “contractor” to “contractors” in subsection (e), and added a comma after the word “surveying” in subsection (a) pursuant to 1 CMC § 3806(g).

### **§ 125-20.2-015 Licensee’s/Firm’s Obligation to Other Licensees/Firms**

(a) Licensees shall not falsify or permit misrepresentation of their or their associates’ academic or professional qualification. They shall not misrepresent or exaggerate neither their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

(b) Licensees or firms shall not offer, give, solicit, or receive, either directly or indirectly, any commission or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

(c) Licensees or firms shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees or firms, nor indiscriminately criticize other licensees’ or firms’ work.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” in subsections (a) and (c), inserted commas after the words “ventures” in subsection (a) and “practice” in subsection (c), and corrected the placement of apostrophes in subsection (c) pursuant to 1 CMC § 3806(g).

### **Part 100 - Competence**

#### **§ 125-20.2-101 Reasonable and Ordinary Care and Skill**

In the practice of engineering, architecture, land surveying and landscape architecture a sole practitioner, partnership, association, corporation or joint venture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by licensed engineers, architects, land surveyors and landscape architects of good standing, practicing in the same locality.

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 100.

### **§ 125-20.2-105 Advice from Other Professionals**

In designing a project, an engineer, architect, land surveyor, or landscape architect shall take into account all applicable federal, Commonwealth, and municipal laws or regulations. While the engineer, architect, land surveyor, or landscape architect may rely on the advice of other professionals (e.g., attorneys, consultants, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an engineer, architect, land surveyor, or landscape architect shall not knowingly design a project in violation of such laws and regulations.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission inserted commas after the words “surveyor” and “Commonwealth” pursuant to 1 CMC § 3806(g).

### **§ 125-20.2-110 Proper Qualifications Required**

An engineer, architect, land surveyor, or landscape architect shall undertake to perform professional services only when he or she, together with those whom the engineer, architect, land surveyor, or landscape architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

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

### **§ 125-20.2-115 Mental or Physical Impairment**

No person shall be permitted to practice engineering, architecture, land surveying, or landscape architecture if, in the Board’s judgment, such person’s professional competence is substantially impaired by physical or mental disabilities.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission corrected the spelling of the word “judgment” pursuant to 1 CMC § 3806(g).

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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### Part 200 - Conflict of Interest

#### § 125-20.2-201 Compensation from More than One Party

An engineer, architect, land surveyor, or landscape architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 200.

#### § 125-20.2-205 Compensation for Endorsement of Products

An engineer, architect, land surveyor, or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

#### § 125-20.2-210 Impartial Decisions on Contracts

When acting as the interpreter of construction contract documents and the judge of contract performance, an engineer, architect, land surveyor, or landscape architect shall render decisions impartially, favoring neither party to the contract.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

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

#### § 125-20.2-215 Financial Conflict of Interest

If an engineer, architect, land surveyor, or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with performance of professional services, the engineer, architect, land surveyor, or landscape architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the engineer, architect, land surveyor, or landscape architect will either terminate such association or interest or offer to give up the commission or employment.

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

### **§ 125-20.2-220 Members of Governmental Bodies**

The engineer, architect, land surveyor, or landscape architect shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Engineers, architects, land surveyors, or landscape architects serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private company, shall not participate in decisions with respect to professional services offered or provided by said company to the governmental body which they serve.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

### **Part 300 - Full Disclosure**

#### **§ 125-20.2-301 Compensation for Statements; Disclosure**

An engineer, architect, land surveyor, or landscape architect, making public statements on engineering, architectural, land surveying, or landscape architecture questions, shall disclose when he or she is being compensated for making such statements.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 300. The Commission inserted a comma after the word “surveying” pursuant to 1 CMC § 3806(g).

#### **§ 125-20.2-305 Representation of Qualifications and Responsibility**

An engineer, architect, land surveyor, or landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

#### **§ 125-20.2-310 Violations of Regulations; Public Safety**

If, in the course of his or her work on a project, an engineer, architect, land surveyor, or landscape architect becomes aware of a decision taken by his or her employer or client, against the engineer’s, architect’s, land surveyor’s, or landscape architect’s advice, which violates applicable federal, Commonwealth, or municipal or regulations\* and which will, in the

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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engineer's, architect's, land surveyor's, or landscape architect's judgment, materially affect adversely the safety to the public of the finished project, the engineer, architect, land surveyor, or landscape architect shall:

- (a) Report the decision to the Building Official or other public official charged with enforcement of the applicable federal, Commonwealth, or municipal building laws or regulations; and
- (b) Refuse to consent to the decision; and
- (c) In circumstances where the engineer, architect, land surveyor, or landscape architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination in accordance with this subsection, the engineer, architect, land surveyor, or landscape architect shall have no liability to his or her client or employer on account of such termination.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The starred phrase should probably read "laws or regulations." Compare 17 Com. Reg. at 13326 (May 15, 1995) and 21 Com. Reg. at 16617 (Mar. 18, 1999).

The Commission inserted commas after the word "Commonwealth" in the opening paragraph and subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the spelling of the word "judgment" in the opening paragraph pursuant to 1 CMC § 3806(g).

### **§ 125-20.2-315 Information Requested by the Board**

An engineer, architect, land surveyor, or landscape architect shall not deliberately make a false statement or deliberately fail to disclose accurately and completely any and all information requested in connection with his or her application for licensure or renewal or renewal or otherwise lawfully requested by the Board.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-320 Unqualified Applicants for Licensure**

An engineer, architect, land surveyor, or landscape architect shall not assist the application for licensure of a person known by the engineer, architect, land surveyor, or landscape architect to be unqualified in respect to education, training, experience, or character.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18,

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

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

### **§ 125-20.2-325      Duty to Disclose Violations**

An engineer, architect, land surveyor, or landscape architect possessing knowledge of a violation of the licensing law, regulations, or rules by another engineer, architect, land surveyor, or landscape architect shall immediately report such knowledge to the Board.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

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

### **§ 125-20.2-330      Association with Persons Engaged in Fraudulent or Dishonest Practices**

An engineer, architect, land surveyor, or landscape architect shall not knowingly associate with, or permit the use of his or her name in a business venture by any person or firm which he or she knows, or should know or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest or unprofessional nature.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

## **Part 400 -      Compliance with Laws**

### **§ 125-20.2-401      Knowing Violations**

An engineer, architect, land surveyor, or landscape architect shall not, in the conduct of his or her practice, knowingly violate any federal or Commonwealth law(s), rule(s), or regulation(s).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 400. The Commission inserted a comma after the word “rule(s)” pursuant to 1 CMC § 3806(g).

### **§ 125-20.2-405      Influencing Government Officials**

An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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influencing the official's judgment or contrary to the CNMI Ethics Act, (1 CMC §§ 8501, et seq.) in connection with a prospective or existing project in which the engineer, architect, land surveyor, or landscape architect is interested.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-410            Violations in Other Jurisdictions**

An engineer, architect, land surveyor, or landscape architect shall comply with the licensure laws and regulations governing his or her professional practice in the Commonwealth or any United States jurisdiction. An engineer, architect, land surveyor, or landscape architect may after appropriate notice and hearing, if any, be subject to disciplinary action if, based on ground substantially similar to those which lead to disciplinary action in the Commonwealth, the engineer, architect, land surveyor, or landscape architect is disciplined in any other U.S. jurisdiction.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-415            Fair Labor Practices; Discrimination**

An employer engaged in the practice of architecture, engineering, land surveying, or landscape architecture shall fully comply with any and all applicable federal or Commonwealth law(s), or rule(s) or regulation(s) protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a work place free of discrimination. For purposes of this rule, any licensed engineer, architect, land surveyor, or landscape architect employed by a firm engaged in the practice of engineering, architecture, land surveying, or landscape architecture who is in charge of the firm's practices, shall be deemed to have violated this rule if the firm has violated this rule.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999).

## **Part 500 -    Professional Conduct**

### **§ 125-20.2-501            Resident Registered Engineer, Architect, Land Surveyor, or Landscape Architect**

Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a resident registered engineer, architect, land surveyor, or landscape architect, as the case may be, regularly employed in that office having direct knowledge and supervisory control of such work.

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 500.

### **§ 125-20.2-505      Signature and Seal**

An engineer, architect, land surveyor, or landscape architect shall not sign or seal drawings, specifications, reports, or other professional work which was not prepared by or under the direct supervision of the engineer, architect, land surveyor, or landscape architect; except that he or she may sign or seal those portions of the professional work that were prepared by or under the direct supervision of persons licensed to practice in the Commonwealth if the engineer, architect, land surveyor, or landscape architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work and intends to be responsible for its adequacy.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-510      Gifts to Prospective Clients**

An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any gifts, other than gifts of nominal value, including for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the engineer, architect, land surveyor, or landscape architect is interested.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-515      Fraud; Willful Disregard of Others**

An engineer, architect, land surveyor, or landscape architect shall not engage in conduct involving fraud or willful or wanton disregard of others.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

### **§ 125-20.2-520      Injury to Professional Reputation**

An engineer, architect, land surveyor, or landscape architect shall not attempt to or injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, architect, land surveyor, or landscape architect nor indiscriminately criticize other engineer's, architect's, land surveyor's, or landscape architect's

## TITLE 125: BOARD OF PROFESSIONAL LICENSING

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work.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

### **Part 600 - Solicitation of Work**

#### **§ 125-20.2-601 Solicitation Consistent with Applicable Law**

An engineer, architect, land surveyor, or landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work and shall charge a professional fee for all professional services rendered. It is a policy of the federal government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices (the Brooks Architect-Engineers Act of 1972). Solicitation of professional employment in the CNMI shall be consistent with applicable CNMI law(s), rule(s), and regulation(s) including but not limited to, government procurement regulations.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

Commission Comment: The Commission created the section titles in part 600. The Commission inserted a comma after the word “rule(s)” pursuant to 1 CMC § 3806(g).

#### **§ 125-20.2-605 Misrepresentation of Qualifications and Experience in Solicitation of Business**

The engineer, architect, land surveyor, or landscape architect shall not falsify or permit misrepresentation of his or her, or his or her associates’ academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his, her or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her work.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).