

TITLE 4: ECONOMIC RESOURCES
DIVISION 3: BUSINESSES AND PROFESSIONS

§ 3106. Board of Professional Licensing Powers.

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 or chapters 1 and 2 of this division, 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 chapters 1 and 2 of this division 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 regulation 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) Issue or deny licenses, including temporary, provisional, conditional and limited licenses;

(e) Conduct investigations and hearings;

(f) Discipline, including: refuse to issue or renew; fine; reprimand; suspend; revoke; place on probation; require payment of fees, charges, or expenses; levy fines; and place conditions on granting or renewal of a license;

(g) Settle disciplinary and other contested matters, consistent with the policy of chapters 1 and 2 of this division;

(h) Work with and secure from professional, governmental, and other organizations the following services and goods: receipt and review of applications; investigations; development of standards; development, administration and review of examinations; and/or other goods and services related to the Board's duties;

(i) Join and maintain memberships in professional, governmental and national organizations;

(j) Determine, charge and collect reasonable fees;

(k) Receive fees and appropriated funds, grants, contract payments, and other funds;

(l) Establish and employ accounts, including restricted fund accounts;

(m) Employ staff and consultants as required to assist it in performing its duties;

(n) Apply for relief by injunction in the Superior Court, without bond, to enforce the provisions of chapters 1 and 2 of this division, 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 members of the Board shall not be personally liable under these proceedings;

(o) Determine those professional organizations with whom 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 exami-

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nation, 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 as the Board considers appropriate;

(q) Subject an applicant for licensure or certification to such examinations as it deems necessary to determine their qualifications;

(r) Require a demonstration of continuing competency of architects, engineers, land surveyors, landscape architects, or real property appraisers as a condition of renewal of license; and

(s) Do all other things necessary to carry out the provisions of chapters 1 and 2 of this division, 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.

Source: PL 1-8, ch. 5, § 5, modified; amended by PL 4-53, § 13; PL 11-99, § 3 (§ 3106); repealed and reenacted by PL 14-95, § 3 (3106); (d)-(m) added by PL 17-39 § 3 (April 21, 2011), modified.

Commission Comment: The Commission modified this section by substituting “chapters 1 and 2 of this division” for “this Act” pursuant to 1 CMC § 3806(c) and (d).