

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 3: BUSINESSES AND PROFESSIONS**

**§ 3431. Enforcement Procedures: Investigations.**

(a) The Board may, upon receipt of a complaint or other information suggesting violations of this Act or of the rules of the Board, conduct investigations to determine whether there is probable cause to institute proceedings under sections 3432, 3435, or 3436 of this Act against any person or firm for such violation, but an investigation under this section shall not be a prerequisite to such proceedings in the event that a determination of probable cause can be made without investigation. In aid of such investigations, the Board or the chairperson thereof may issue subpoenas to compel witnesses to testify and/or to produce evidence.

(b) The Board may designate a member, or any other person of appropriate competence, to serve as investigating officer to conduct an investigation. Upon completion of an investigation, the investigating officer shall file a report with the Board. The Board shall find probable cause or lack of probable cause upon the basis of the report or shall return the report to the investigating officer for further investigation. Unless there has been a determination of probable cause, the report of the investigating officer, the complaint, if any. The testimony and documents submitted in support of the complaint or gathered in the investigation, and the fact of pendency of the investigation shall be treated as confidential information and shall not be disclosed to any person except law enforcement authorities and, to the extent deemed necessary in order to conduct the investigation, the subject of the investigation, persons whose complaints are being investigated, and witnesses questioned in the course of the investigation. This confidentiality requirement relating to investigations shall apply notwithstanding any provision of the Open Government Act (1 CMC § 9901 et seq.) or other Commonwealth law to the contrary.

(c) Upon a finding of probable cause, if the subject of the investigation is a licensee, the Board shall direct that a complaint be issued under section 3432 of this Act, and if the subject of the investigation is not a licensee, the Board shall take appropriate action under sections 3435 and 3436 of this Act. Upon a finding of no probable cause, the Board shall close the matter and shall thereafter release information relating thereto only with the consent of the person or firm under investigation.

(d) The Board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. In the event that as a result of such review the Board discovers reasonable grounds for a more specific investigation, the Board may proceed under subsections (a) through (c) of this section.

**Source:** PL 13-52, § 10, modified.

**Commission Comment:** The Commission made conforming changes to the above subsection pursuant to 1 CMC § 3806. See the comment to 4 CMC § 3401 regarding PL 13-52.