COMMONWEALTH OF THE NORTHERN MARIANA ISALNDS SAIPAN, MARIANA ISLANDS

VOLUME 13 NO. 06



JUNE 15, 1991

# COMMONWEALTH

REGISTER

# COMMONWEALTH REGISTER JUNE 15, 1991 VOLUME 13 NO. 06

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# Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING P.O. Box 2078

Saipan, MP 96950 Tel. No.: (670) 234-5897/6040

RULE FOR RECONSIDERATION OF DISAPPROVAL OF APPLICATION

The Board of Professional Licensing hereby gives notice to the public of its intention to adopt the proposed rule for Reconsideration of Disapproval of Application.

The public may submit written comments and/or recommendations regarding the proposed rule during the thirty (30) day period following this date of publication in the Commonwealth Register. Such comments and/or recommendations should be sent to the Acting Chairman of the Board of Professional Licensing as follows:

Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Dated this <u>10 <sup>M</sup></u> day of June, 1991.

JUAN Q. INOS, ACTING CHAIRMAN Board of Professional Licensing

COMMONWEALTH REGISTER VOLUME 13 NO. 06 JUNE 15, 1991

# AREKLO PARA MANAGON KONSIDERA APLIKASION SIHA NI MANMADISAPRUEBA

I Board of Pirofessional Licensing ginen este ha nana'i nutisia i pupbliku put i intension-na umadapta i mamapropoponi na areklo para managon konsidera aplikasion siha ni manmadisaprueba.

I pupbliku siña manna'halom komento yan/pat rekomendasion siha gi tinige' put i manmapropoponi na areklo gi halom trenta (30) dias na tetminu despues di i fecha ni mapupblika este na nutisia gi halom i Rehistran Commonwealth. I komento yan/pat rekomendasion siha debi di u mana'fanhanao guato gi Acting Chairman i Board of Professional Licensing gi sigiente na adres:

Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Mafecha gi este i mina 10 na dia gi Hunio, 1991.

JUAN Q. INOS, ASCTING CHAIRMAN Board of Professional Licensing

# ALLEGH REEL REEL MWOGHUTUGHUTUL ASSEFAALIL ME NGARE ALUGHULUGHUL APPLICATION

Schóól Board of Professiona Licensing nge ekke arongaar towlap, igha rekke mángily bwe rebwe adapta allégh reel mwóghutughutul bweibwoghul application, igha rebwe asefááli me ngáre meta rebwe

Emmwoi schagh bwe towlap rebwe atotoolong meta tipeer me ngáre méngemángiir reel allegh kkaal, llól eliigh (30) rál sángi igha e toowow arongorong yeel mellól Commonwealth Register. Mángemáng kkaal nge rebwe ischiltiw nge raa fang ngáli, Acting Chairman Board of Professional Licensing reel address ye faal.

Acting Chairman
Board of Professiona Licensing
P.O. Box 2078
Saipan, MP 96950

Rádii ye \_\_\_\_/0 + June 1991.

JUAN Q. INOS, ACTING CHAIRMAN Board of Professional Licensing

# RULE FOR RECONSIDERATION OF DISAPPROAL OF APPLICATION

An applicant whose application for a professional license has been disapproved by the Board of Professional Licensing (Board) may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

- 1. The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within forty-five (45) days of the date of the notice of disapproval.
- 2. A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:
  - a. Mistake of fact or law;
  - b. New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of dispproval;
  - c. Any other evidence or reason justifying a petition for reconsideration.
- 3. Only one petition for reconsideration shall be accepted by the Board.
- 4. Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board, in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.



# Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897/6040

# PROPOSED REGULATIONS FOR LICENSED REAL ESTATE APPRAISERS

The Board of Professional Licensing hereby gives notice to the Public of its intention to adopt proposed regulations for licensed real estate appraisers. Contents of the regulations are the following:

- 1. Intent and Effect
- 2. Definitions
- Use of Title by Non-Licensed Person or Acting in Capacity as Appraiser Prohibited
- 4. Powers and Duties of the Board
- 5. Immunity
- 6. Fees and Collection Procedures
- 7. Original and Renewal Licensing and Certification
- 8. Education/Experience Requirements for Non-Federally Funded Real Estate Transactions
- Licensing Pre-requisite for Non-Federally Funded Real Estate Transactions
- Licensing and Certification Requirements for Federally Funded Real Estate Transactions
- 11. Examination Requirements
- 12. Content of License or Certificate
- 13. Non-Resident Applicants Consent for Service of Process
- 14. Reciprocity
- 15. One-Year License or Certification Renewal Failure to Renew in Timely Manner
- 16. Licenses Required Use of Number
- 17. Use of Term Prohibited Group Licensing Prohibited
- Denial, Suspension, or Revocation of License or Certification-Grounds
- 19. Violations Investigations by Board Charges
- 20. Haarings Judicial Review
- 21. Remedies
- 22. Duties of Attorney General

The public may submit written comments and/or recommendations regarding the proposed regulations during the thirty (30) day period following this date of publication in the Commonwealth Register. Such COMMONWEALTH REGISTER VOLUME 13 NO. 06 JUNE 15, 1991

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comments and/or recommendations should be sent to the Acting Chairman of the Board of Professional Licensing as follows:

Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Dated this \_\_\_\_\_ day of June, 1991.

JUAN Q. INOS, ACTING CHAIRMAN Board of Professional Licensing

# I MANMAPROPOPONI NA REGULASION PARA I MANMALISENSIA NA APPRAISER TANO SIHA

I Board of Professional Licensing ginen este ha nana'i nutisia i pupbliku put i intension-na umadapta i manmapropoponi na regulasion para i manmalisensia na appraiser tano' siha. I sustansian i regulasion siha mannattate gi sigiente:

- 1. Intension van Kapasidat
- 2. Difinasion
- 3. Prinuhibi gi Ma'usan Titulu nu i Ti Malisensia na Petsona osino avu i Machocho'cho' gi Kapasidat komu Appraiser Tano'
- 4. Fuetsa van Che'cho' i Kuetpo siha
- 5. Imunidat
- Apas yan Areklamento put Mangopbia 6.
- Orihinat yan Rinunueban Linsensia yan Settifikasion
- I Manginagagao na Kondision Edukasion/Ekspirensia para ayu siha na Binenden Tano' ni ti ManmaFondo nu i Federat.
- 9. I manginagagao siha na Kondision antes di Malisensia ayu siha na Binenden Tano' ni ti ManmaFondo nu i Federat
- 10. I Manginagagao siha na Kondision para ManLisensia van Settifikasion avu siha na Binenden Tano' ni ManmaFondo nu i Federat
- 11. I Manginagagao siha na Eksaminasion
- 12. Sostansian i Lisensia pat Settifikasion
- 13. Aplikante siha ni ti Manresidente-Kinonsente para Service of Process
- 14. Inatulaikan Fabot
- 15. Un Anu na Lisensia pat Settifikasion-Rinunueba-Gumuahlo va ti ha Rinueba gi Propio Tiempo
- 16. Lisensia siha-I Ginagagao na Usan Numiru
- 17. Prinuhibi gi Ma'usan Palabra siha-Prinuhibi gi Lisensian Gurupu
- 18. Mañega, Masospeni, osino Madirogan Lisensia pat Settifikasion-Rason siha
- 19. Kontradiksion siha-Imbestigasion i Board-Sinokne siha
- 20. Inekungok siha-Ininan Hustisia
- 21. Remediu siha
- 22. Che'cho' i Attorney General siha

I pupbliku sina manna'halom komento yan/osino' rekomendasion sina gi tinige put i manmapropoponi na regulasion gi duranten i trenta dias na tetminu despues di i fecha anai mapupblika este gi halom i Rehistran Commonwealth. Todu komento yan/osino' rekomendasion siha debi di u mana'fanhahanao guato gi Acting Chairman i Board of Professional Licensing gi sigiente na adres:

Acting Chairman Board of Prefessional Licensing P.O. Box 2078 Saipan, MP 96950

Mafecha gi este i mina 10 na dia gi Hunio, 1991.

JUAN Q. INOS, ACTING CHAIRMAN

Board of Professional Licensing

# ALLÉGH KKA EBWE GHIL NGÁLIIR REAL ESTATE APPRAISERS

School Board of Professional Licensing ekke arongaar towlap igha ebwe adapta allegh reel mwoghutughutuur aramas kka school real estate appraisers. Owtol allegh yeel nge ikka elo faal;

- 1. Mángemáng me toowowu!
- 2. Meta faal
- 3. Yáyáál Title reel aramas ye ese lisensiya bwe ii eschay schóól appraisal, ne esemmwel
- 4. Bwangiir me yaar angaang schóói Board.
- 5. Immunity
- 6. Abwós me mwóghutughutul bweibwoghul selaapi
- 7. Fasúl me sféér sesáálil lisensia me certification.
- Liapai ghuleeyai me yaai expirensia me meta kka saabw Federally Funded Real Estate Transaction.
- Lisensiya me meta kka mwóghutughutul reel Non-Federally Funded Real Estate Transactions
- 10. Lisensiya meta certification reel mille Federally Funded Real Estate Transactions
- 1). Milikka e fil bwe rebwe ghommwal féérúl, mmwal rebwe lisensia
- 12. Kkapasal lisensiya me Certificate.
- Aramas kka saabw schóól falúw (Non-Resident) ikka rekke tingór, igha rebwe ammwalaar.
- 14. Reciprocity
- Lisensiyaal eew ráágh, certification- Renewal, me igha rese féérú sefááli ngáre aa tooto rállil, bwe aa mwutch
- 16. Lisensiya me numuro kka rebwe yaaya
- 17. Yáyáál Term kka ese fil-Mwéyúr aramas igha rebwe yááyá lísensia nge ese fil
- 18. Rese fang, Suspension, me ngáre rebwe bwughi sefálify lisensiya me certification
- 19. Rese tabweey allégh- Rebwe investigate-liir reel schóól Board.- Mwutta ngáre abwós
- 20. Hearings- Judicial Review
- 21. Remedies
- 22. Bwangii Attorney General

Aramas kka re tipáli nge emmwel schagh bwe rebwe atotoolong meta tipeer me ngáre mángemángiir llól eliigh (30) rál sángi igha e toowow arongorong yeel meliói Commonwealth Register. Mángemáng kkaal nge rebwe ischiitiw nge raa afanga ngáli Acting Chairman Board of Professional Licenxing reel address ye faal.

> Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

\_\_\_ June 1991.

JUAN Q. INOS, ACTING CHAIRMAN Board of Professional Licensing

# REGULATIONS OF THE BOARD OF PROFESSIONAL LICENSING FOR LICENSED REAL ESTATE APPRAISERS

# 1. Intent and Effect

It is the intent of these regulations to ensure high standards of professional competence for real estate appraisers in the CNMI, and to comply with applicable federal statutes and regulations. Due to the scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real estate appraisers: First, licensed appraisers who meet the standards contained herein for non-federally real estate transactions, referred to as "licenced real estate appraiser, nonfederally funded real estate transactions", and, Second, "licensed real estate apprasier. federally funded real estate transactions" and "certified real estate appraiser, federally funded real estate transactions" as those terms are defined in applicable federal statutes and regulations, for federally funded real estate transactions. The first class of licensed appraisers will qualify to do appraisals in non-federally funded real estate transactions but will not qualify under federal law and these regulations to perform federally funded real estate transaction appraisals. The second class of licensed and certified appraisers will quality to perform appraisals in both federally funded and non-federally real estate transactions.

## 2. Definitions

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- A. "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.
- B. "Appraisal report" means any communication, written or oral, of an appraisal.
- C. "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interest in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.
  - D. "Board" means the Board of Professional Licensing.

- E. "Licensed appraisal" means an appraisal prepared or signed by a licensed real estate appraiser. A "certified appraisal" means an appraisal prepared or signed by a certified real estate appraiser. Further, each appraisal will indicate specifically whether or not it is a federally funded real estate transaction, and, if so, that the appraiser performing the appraisal is properly licensed or certified hereunder.
  - F. "Chairman" means the Chairman of the Board.
- G. "Real estate" means an identified parcel or tract of land, including improvements, if any.
- H. "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.
- I. "Specialized appraisal services, means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

- J. "Licensed real estate appraiser, non-federally funded real estate transactions", "licensed real estate appraiser, federally funded real estate transactions" or "certified real estate appraiser, federally funded real estate transactions" appraisers refers to a person who develops and communicates real estate appraisals and who holds a valid license or certification issued to him or her under these regulations. Each appraisal shall indicate whether or not it is a federally funded real estate transaction. Each appraiser shall indicate in each appraisal whether he or she is qualified hereunder for federally funded real estate transactions.
- 3. Use of title by non-licensed person or acting in capacity as appraiser prohibited.
- A. No person, other than a licensed or certified real estate appraiser, may assume or use that title or any title, designation, or abbreviation or do any act likely to create the impression of being a licensed or certified real estate appraiser in the CNMI.

# 4. Powers and Duties of the Board.

The Board shall have the following powers and duties:

- A. To adopt rules necessary to implement these regulations;
- B. To receive and approve applications for licensing and certification as a real estate appraiser under these regulations; to establish appropriate administrative procedures for the processing of such applications; to issue licenses or certifications to qualified applicants pursuant to the provisions of these regulations; and to maintain a register of the names and addresses of individuals who are currently licensed or certified under these regulations, indicating whether the appraiser may perform appraisals hereunder in federally funded real estate transaction.
- C. To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for licensing and certifications examinations;
- D. To administer or contract for administration of examinations at locations and times as may be required to carry out the responsibilities under these regulations;

- E. To impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- F. To issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year:
- G. To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of these regulations;
- H. To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representatives acting by authority of law;
- I. To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the Board:
- J. To establish forms necessary to administer these regulations;

K. To do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing and certification of appraisers that the Board determines are appropriate for licensed and certified appraisers in the CNMI.

# 5. <u>Immunity</u>

The members of the Board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any facts performed in the course of their duties except for their intentional or willful misconduct.

#### 6. Fees and collection procedures

The Board has established fees which may be changed pursuant to the rulemaking power of the Boar. Collection procedures for the fees shall be established by rule.

The fees shall be:

- A. Application Fee \$100.00
- B. Testing Fee \$250.00
- C. Licensing Fee Initial fee for first year \$500.00: \$250.00 for renewal per year.

# 7. Original and Renewal Licensing and Certification

- A. Applications for examinations, original licensing or certification and renewal licensing or certification shall be made in writing to the Board on forms approved by the Board. Applications for original and renewal licensing and certification shall include a statement confirming that the applicant shall comply with applicable rules and regulations and that the applicant understands the penalties for misconduct.
- B. The appropriate fees shall accompany all applications for examination, reexamination, original licensing, original certification and renewal licensing or certification.
- 8. Education/Experience Requirements For Non-Federally Funded
  Real Estate Transactions as Prerequisite to Examination.
- A. As a prerequisite to taking the examination for licensing as a "licensed real estate appraiser, non-federally funded real estate transactions", or for renewal, an applicant shall present evidence satisfactory to the Board that he or she has successfully completed one of the set of education and experience requirements adopted by the Board as listed below:

- Fifteen credit hours of appraisal related courses with six years experience as an appraiser:
   or
- 2. An AA in Business with fifteen credit hours of appraisal related courses and four years experience as an appraiser: or
- 3. A Bachelors Degree or higher with two years experience as an appraiser: and

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4. That the applicant has not been convicted of a felony. Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

To verify appraisal experience as required in § A (1), (2) or (3), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience abovementioned.

The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

# 9. <u>Licensing and Certification Requirements for Federally Funded</u> Real Estate Transactions.

In compliance with the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (Title XI) (12 U.S.C. 3348 (a)(2), the Board hereby establishes criteria for licensing and certification of appraisers in federally funded real estate transactions by adopting the education, experience and examination standards set by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (Subcommittee) and the Appraisal Qualifications Boards of the Appraisal Foundation, under Title XI, and as amended. The specific education, experience and examination standards will be an addendum hereto and incorporated by reference herein. Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

## 10. <u>Issuance of License</u>

An original license or certification as a "licensed real estate appraiser, non-federally funded real estate transactions", "licensed real estate appraiser, federally funde real estate transactions" or "certified real state appraiser, federally funded real estate transactions", shall be issued to persons who have satisfactorily passed a written examination as adopted by the Board pursuant to its rule making power and who meet the education and

experience requirements of the Board, as mentioned herein,

# 11. Content of License or Certificate

The license or certificate shall mention whether it is for federally funded transactions, or for non-federally funded transactions. A license or certificate which is expressly valid for federally funded real estate transactions is automatically valid for non-federally funded real estate transactions. A license which is valid only for non-federally funded real estate transactions is not valid for federally funded real estate transactions. Therefore, the classes will be "licensed real estate appraiser, non-federally funded real estate transactions", "licensed real estate appraiser, federally funded transactions" and "certified real estate appraiser, federally funded real estate transactions".

### 12. Nonresident Applicants --- Consent for Service of Process

Every applicant for licensing or certification who is not a resident of the CNMI shall submit, with the application an irrevocable consent that service of process upon him or her may be made by service on the Board if, in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant.

#### 13. Reciprocity

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An applicant who is currently licensed or certified and in good standing under the laws of another state of the U.S. may obtain a license or certification as a CNMI licensed or certified real estate appraiser without being required to satisfy the requirements of these regulations if the Board determines that the licensing or certification requirements are substantially similar to those found in CNMI.

- 14. One-Year License or Certification --- Renewal --- Failure to
  Renew in Timely Manner.
- A. Each original and renewal license or certification shall be for a period of one year.
- B. To be renewed as a licensed or certified real estate appraiser, the holder of a valid license or certification shall apply and pay the prescribed fee to the Board no earlier than one hundred twenty days prior to the expiration date of the license or certification and shall demonstrate satisfaction of any continuing education requirements.

C. If a person fails to renew a license or certification prior to its expiration, the person may obtain a renewal license or certification only by satisfying all of the requirements for renewal and paying late renewal fees as established by the Board.

#### 15. Licenses --- Required use of number.

- A. A license or certification issued under these regulations shall bear the signature or facsimile signature of the Board and a license or certification number assigned by the Board.
- B. Each licensed or certified real estate appraiser shall place his or her license or certification number adjacent to or immediately below the title "licensed real estate appraiser, nonfederally funded real estates transactions", or "licensed real estate appraiser, federally funded real estate transactions" or "certified real estate appraiser, federally funded real estate transactions" when used in an appraisal report or in a contract or other instrument used by the license or certification holder in conducting real property appraisal activities. The holder of the license or certificate must indicate expressly whether or not the license or certificate is valid for federally funded real estate transactions.

## 16. Use of term prohibited --- Group licenses prohibited.

- The term "licensed" or "certified" real estate appraiser Α. may only be used to refer to individuals who hold the license or certification hereunder and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the license or certification.
- No license or certification may be issued under these В. regulations to a corporation, partnership, firm, or group. shall not be construed to prevent a licensed or certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice.

# 17. Denial, Suspension, or Revocation of License or Certification --- Grounds.

An application for license or certification, or license or certification renewal may be denied, and the license or certification of any licensed or certified real estate appraiser may be revoked, suspended, or the licensee or certifiee may be otherwise disciplined in accordance with the provisions of these regulations, for any of the following acts or omissions:

- A. Failing to meet the minimum qualifications for licensing or certification established by or pursuant to these regulations or rules of the Board:
- B. Procuring or attempting to procure a license or certification under these regulations by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the Board:
- C. Paying money other than the fee provided for by this chapter to any employee of the Board to procure licensing or certification under these regulations, or for any other purposes:
- D. Failure or refusal without good cause to exercise reasonable diligence, honesty and good faith as established for appraisers in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- E. Negligence, incompetence or using unreasonably inflated or deflated values in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- F. Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession, or concealing any such document, for inspection by the Board or the Board's authorized representatives:
- G. Failing to adequately justify to the Board the factual basis of an appraisal which the appraiser renders;

- H. Violating any provision of any lawful rule or regulation made by the Board or of the Uniforms Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation:
  - I. Conviction of a felony crime.
    Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

# 18. Violations --- Investigations by Board --- Charges

The Board may investigate the actions of a licensed or certified real estate appraiser or an applicant for license or certification or renewal. Upon receipt of information indicating that an applicant or a licensed or certified real estate appraiser may have violated these regulations, the Board shall cause to be made an investigation of the facts to determine whether or not there is evidence of any such violation.

In any investigation made by the Board, the Board shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the Board's jurisdiction.

If the Board determines, upon investigation, that an applicant or a licensed or certified real estate appraiser may have violated these regulations, a statement of charges shall be prepared and served upon the real estate appraiser. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service: otherwise, the charges will be deemed admitted.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plea. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges.

# 19. Hearings --- Judicial Review

The administrative hearing on the allegations in the statement of charges may be heard by the Board at the time and place prescribed by the Board and in accordance with reasonable administrative procedures. If the Board determines that an applicant or a real estate appraiser is guilty of a violation of any of the provisions of these regulations, a formal decision shall be prepared that contains findings of fact and the penalty hereunder and the appropriate disciplinary action to be taken.

In such event, the Board shall enter an order to that effect and shall file the same in its office and immediately mail a copy thereof to the affected party at the address of record with the

Board. Such order shall not be operative for a period of ten days from the date thereof. A licensee or certifiee or applicant aggrieved by a final decision by the Board in an adjudicative proceeding whether such decision is affirmative or negative in form, is entitled to a judicial review as may be provided by law.

# 20. Remedies.

The Board may apply a remedy reasonably related to the nature of the violation, including suspension or revocation of the license. or certification, prohibition from applying, payment of a fine, restitution to any aggrieved party, further education, or any other reasonable remedy.

### 21. Duties of Attorney General.

The attorney general shall render to the Board opinions upon all questions of law relating to the construction or interpretation of these regulations, or arising in the administration thereof that may be submitted by the Board, and shall act as attorney for the Board in all actions and proceedings brought by or against the Board under or pursuant to any provision of these regulations.

# **PUBLIC NOTICE**

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth Constitution and the Tinian Casino Gaming Control Act of 1989.

The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming Control Act of 1989 promulgates these proposed regulations governing casino applications to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 28 day of May, 1991.

BY:

TINIAN CASINO GAMING CONTROL COMMISSION

William B. Nabors Executive Director

# **NOTICIA PUBLIKO**

Ma-propopone na Areglo yan Regulasion ni ma-estaphlesi sigun i Attikulo XXI gi Commonwealth Constitution yan i Tinian Casino Gaming Control Act of 1989.

I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia pupbliku sigun gi responsbilidad gi papa i Attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-estapblesi este siha i mapropopone na regulasion yan i punto siha i Commission para u-usa gi para manma ayig i applikante siha ni para lisensian casino gi papa i Tinian Casino Gaming Control Act 1989 yan todo inekkungok siha ni manginagagao.

I Commission ha-abibisa i pupbliku henerat na i Areglu yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, MP 96952.

Este siha na areglo yan regulasion para u efektibo gi noticia na ma-adopta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 28 na haane gi Moy , 1991

BY:

TINIAN CASINO GAMING COMPROL COMMISSION

William B. Nabors

Executive Director

# TINIAN CASINO GAMING CONTROL COMMISSION RESOLUTION CASINO APPLICATION

Resolution No.91-08

WHEREAS, the people of the Second Senatorial District, in the exercise of a fundamental constitutional right, enacted the Tinian Casino Gaming Control Act of 1989 pursuant to Articles XXI and IX of the Commonwealth Constitution; and

WHEREAS, the Tinian Casino Gaming Control Commission, an autonomous local governmental entity, was created pursuant to the Tinian Casino Gaming Control Act of 1989, by Local Initiative, which was approved overwhelmingly by the voters of the Second Senatorial District on November 4, 1989; and

WHEREAS, pursuant to the Tinian Casino Gaming Control Act of 1989, the Tinian Casino Gaming Control Commission is vested with the power and authority to establish, regulate, set standards for casino operations, solicit and select suitable qualified applicants/operators, and enact and enforce rules and regulations to carry out the intent and purpose of the Tinian Casino Gaming Control Act of 1989; and

WHEREAS, the Tinian Casino Gaming Control Commission deems it is necessary and appropriate to achieve these purposes has tentatively adopted regulations governing casino applications which shall be published in the Commonwealth Registrar during the month of June, 1991, and

NOW, THEREFORE, BE IT RESOLVED, that the Tinian Casino Gaming Control Commission does hereby tentatively adopt the attached regulations governing casino applications which shall be published for comment in the Commonwealth Registrar during the month of June, 1991.

# **CERTIFICATION**

This Resolution was duly adopted by a vote of <u>4</u> for and <u>0</u> against at a duly convened meeting of the Commission, with a quorum being present, on this 23th day of May, 1991.

ATTEST:

Executive Director

John U. Hofschneider

# TINIAN CASINO GAMING CONTROL COMMISSION

# Chapter 1

### **APPLICATIONS**

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# 1:1.1 LICENSE AND REGISTRATION REQUIREMENTS

#### 1:1.1 Casino Licenses

- (a) No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible to apply for a casino license concerning the said casino.
  - (b) Only the following persons shall be eligible to apply for a casino license:
- 1. Any person who either owns 100 percent of an approved hotel or owns or has a contract to purchase or construct a hotel which in the judgment of the Tinian Casino Gaming Control Commission (Commission) can become an approved hotel within 30 months unless otherwise extended by the Commission;
- 2. Any person who in accordance with Section 21 of the Tinian Casino Gaming Control Act of 1989 (Act), whether under terms involving payments of a fixed sum or otherwise and whether as either a lessor or a lessee, either leases 100 percent of an approved hotel or leases or has an agreement to lease 100 percent of a hotel which in the judgment of the Commission can become an approved hotel with 30 months unless otherwise extended by the Commission;
- 3. Any person who both has an agreement for the complete management of a casino in accordance with Section 22 of the Act, whether under terms involving payments of a fixed sum or otherwise, and either owns 100 percent of or controls any approved hotel; and
- 4. Any other person who is eligible in accordance with Part III or any other provision of the Act.
- (c) No corporation shall be eligible to apply for or hold a casino license unless it shall, in accordance with the provisions of the Act and the regulations of the Commission:
- 1. Have been incorporated in the Commonwealth of the Northern Mariana Islands (CNMI);
  - 2. Maintain an office in the premises licensed or to be licensed;
- 3. Comply with all requirements of the laws of the CNMI pertaining to corporations;
- 4. Maintain a ledger in its principal office in the CNMI reflecting the current ownership of every class of security issued by the said corporation;
- 5. Maintain all operating accounts required by the Commission in a bank or banks in the CNMI.
- 6. Provide in its charter among the purposes stated the conduct of casino gaming;
- 7. If not a publicly traded corporation, establish by appropriate charter or bylaw provisions that, upon Commission disapproval of any future transfer of any corporate security of, share of or other interest in the applicant corporation or any holding company intermediary company or subsidiary thereof, such corporations and companies shall have the absolute right to repurchase same; and

8. If a publicly traded corporation, establish by appropriate charter or, bylaw provisions that, upon Commission disqualification of any holder of any security of the applicant corporation, such holder shall dispose of his security interest therein.

(d) No corporation shall be eligible to apply for or hold a casino license unless each corporate and noncorporate holding company and intermediary company with respect

thereto shall first qualify to do business in the CNMI.

# 1-1:2 Casino service industry licenses

- (a) No enterprise shall, on a regular or continuing basis, provide any goods or services to or conduct any business whatsoever with a casino, a casino licensee, its employees or agents, whether or not said goods, services or business directly relates to casino or gaming activity, unless a casino service industry license authorizing the particular casino service business shall have first been issued to the enterprise.
- (b) No casino licensee shall conduct any school teaching gaming or playing or dealing techniques unless a separate casino service industry license authorizing the particular gaming school shall have first been issued to the casino licensee.
- (c) The following casino service industry enterprises shall be required to be licensed as casino service industries in accordance with Section 47 of the Act:
- 1. All enterprises providing goods and services or doing any business whatsoever which directly relates to casino or gaming activity;

2. All schools teaching gaming, playing or dealing techniques;

3. All gaming equipment manufacturers, suppliers, distributors, servicers and repairers; and

4. All casino hotel security service enterprises.

- 5. All enterprises providing goods or services or doing any business whatsoever which does not directly relate to casino or gaming activity;
  - 6. All suppliers of alcoholic beverages, food and nonalcoholic beverages;

7. All garbage handlers;

8. All vending machine providers;

9. All linen suppliers;

10. All maintenance companies;

11. All shopkeepers located within any approved hotel; and

12. All limousine service enterprises.

(f) The Commission may exempt any person or field of commerce from the casino service industry licensing requirements of Section 47 of the Act if it finds:

1. That such person or field of commerce is regulated by a public agency; and

2. That licensure is not necessary to protect the public interest; and

3. That licensure is not necessary to accomplish the policies established by the Act.

#### 1-1.3 Employee licenses

- (a) No natural person shall be employed in the operation of a licensed casino in a supervisory capacity or empowered to make discretionary decisions which regulate casino operation unless he shall be over 21 years of age and unless a casino key employee license authorizing the particular position of employment shall have first been issued to him in accordance with Section 31 of the Act. While excluding casino employees as defined in the Act, this category includes:
  - 1. Pit bosses;
  - 2. Shift bosses;
  - 3. Supervisors;
  - 4. Cashiers;
  - 5. Casino managers;
  - 6. Casino assistant managers;
  - 7. Supervisors of casino security employees;

8. Any employee of a casino licensee empowered to procure or purchase or contract for any entertainment, food, beverages, supplies, equipment, furnishings or any other goods or services whatsoever involving an annual expenditure of \$500.00 or greater;

9. Junket representatives; and

- 10. Any employee whatsoever of a casino licensee so designated by the Commission.
- (b) No natural person shall be employed in the operation of a licensed casino whose employment duties require or authorize access to the casino unless he shall be over 21 years of age and unless a casino employee license authorizing the particular position of employment shall have first been issued to him in accordance with section 31 of the Act. This category includes:
  - 1. Boxmen;
  - 2. Dealers;
  - 3. Croupiers;
  - 4. Floormen;
  - 5. Tellers
  - 6. Countroom personnel
- 7. Any natural person employed by a casino or its agent to provide physical security in a casino hotel; and
- 8. Any employee whatsoever of a casino licensee so designated by the Commission.
- (d) Every casino key employee and casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while employed in the casino area which includes without limitation, the casino floor, cashier's cage, countrooms, eye-in-the-sky and closed circuit television monitoring.
- (e) No casino licensee shall permit any casino key employee or casino employee, except those approved by the Chairman, to work in the casino area without the wearing of their license credential as required herein.
- (f) Each casino licensee shall provide each such employee with a holder for the Commission license credential which shall contain the name of the casino/hotel complex, shall be numerically controlled and shall permit the prominent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino licensee or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which employees will be required to wear such holder.
- (g) In those situations where a license credential is lost or destroyed, a casino key or casino employee may be authorized to enter the casino area to perform employment duties so long as:
- 1. The loss or destruction of the license is promptly reported in writing to the Commission;
  - 2. The employee applies for a new license credential; and
- 3. Permission is received from a duly authorized Commission representative to do so.
- (h) For any violation of subsections (d) and (e) of this section, the Commission may impose the sanctions authorized by the Act.

### **1-1.4** (Reserved)

### SUBCHAPTER 2. CASINO HOTEL FACILITIES

### 1-2.1 Impact of facilities

(a) No casino license shall be issued unless the Commission shall have first been satisfied of that:

- 1. That the casino, its related facilities and its proposed location are suitable;
- 2. That the proposed casino hotel will not adversely affect other licensed casino operations or facilities;
- 3. That the proposed facilities comply in all respects with all requirements of the Act and the regulations of the Commission;
- 4. That the proposed facilities comply in all respects with all requirements of the master plan of the Municipality of Tinian and Aguiguan.
  - 5. That the patron market is adequate; and
- 6. That the proposal will not adversely affect overall environmental, economic, social, demographic or competitive conditions or natural resources of either Tinian or the Commonwealth.

### 1-2.2 The hotel

- (a) No casino license shall be issued unless the casino shall be located within an approved hotel which conforms in all respects to all facilities requirements of the Act and the regulations of the Commission, unless such approved hotel:
  - 1. Is under one ownership;
- 2. Is a single building located within Tinian with or without additional buildings or facilities annexed by means of physical connection;
- 3. Contains not fewer than 300 sleeping units of at least 325 square feet each held available and used regularly for the lodging of tourists and convention guests;
- 4. Contains the minimum amount of indoor dining; entertaining and sports facilities space;
- 5. Contains a casino room of a minimum of 10,000 square feet conforming in all respects to the entrance and visibility requirements set forth in the Act, and the facilities of which are arranged to promote maximum patron comfort and optimum casino operational security and an atmosphere of social graciousness;
  - 6. Contains a closed circuit television system;
- 7. Contains specifically designated and secure areas for the inspection, repair and storage of gaming equipment;
- 8. Contains a count room and such other secure facilities for the inspection, counting and storage of cash, coins, tokens, checks, dice, cards, chips and other representatives of value; and
- 9. Contains such facilities in the ceiling of the casino room commonly referred to as an "eye-in-the-sky" appropriate to permit direct overhead visual surveillance of all gaming therein; provided, however, that the Commission may exempt from this requirement any casino room in any building if it is satisfied that same contains an acceptable approved alternative and that such an exemption would not be inimical to the policy of this Act and of the regulations of the Commission;
- 10. Contains facilities suitable for all family, cabaret and pub entertainment requirements; and
- 11. Comply with the Tinian Master Plan and all Commonwealth and Local laws and ordinances.

### 1-2.3 Declaratory rulings as to proposed casino hotel facilities

- (a) Upon the petition of any person who owns, has a contract to purchase or construct, leases or has an agreement to lease any building or site located within the limits of Tinian and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act and the regulations of the Commission has been established by clear and convincing evidence.
- (b) It shall be the affirmative responsibility of each such petitioner to file all information, documentation and assurances material to the requested declaratory ruling in

such form as is required of an applicant for a casino license, which may include the filing of a completed "casino hotel facility statement".

(c) The Commission shall afford the interested parties an opportunity for hearing

upon any petition for a declaratory ruling as to a proposed casino hotel facility.

- (d) A declaratory ruling as to a proposed casino hotel facility shall bind the Commission and the parties to the proceedings on the statement of facts set forth therein and shall be deemed a final action provided, however, that no casino license shall be issued concerning any such casino hotel facility unless compliance with every requirement of the Act and regulations of the Commission as of the time of the issuance of such license shall have first been established.
- (e) No petition for a declaratory ruling shall be accepted by the Commission unless the petitioner shall first have paid in full a fee of not less than \$5,000 and in such further amount as the Commission may, in its discretion, deem reasonable, proper and appropriate in relation to the operating expenses of the Commission in considering the petition.

1-2.4 Duty to maintain and operate a superior quality facility

Every casino licensee shall have a continuing duty to maintain and operate its entire convention hotel complex as a facility of a superior, exceptional, first class, five star and deluxe quality, to submit the said complex to periodic inspections by the Commission and to promptly comply with all requirements and directives of the Commission relating to the maintenance and operation of the said complex as a facility of a superior and first class quality.

### SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

### 1-3.1 Casino licenses

(a) No casino license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and of the regulations of the Commission:

1. Each applicant for and person required to apply for a a casino license in

accordance with the casino license standards as set forth in section 17 of the Act;

- 2. Each of the following financial sources, either in effect or proposed, of, in or to the submitted casino proposal in accordance with the casino license standards as set forth in section 17(b) of the Act;
  - i. Each financial backer;
  - ii. Each investor;
  - iii. Each mortgagee;
  - iv. Each bond holder; and
  - v. Each holder of debenture, notes or other evidence of indebtedness,

either in effect or proposed;

- 3. Each of the following persons of every corporate applicant for a casino license and of every corporate holding company of and corporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards:
  - i. Each officer;
  - ii. Each director;
- iii. Each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation;
- iv. Any person who in the opinion of the Commission has the ability to control the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;
  - v. Each principal employee; and

vi. Any lender, underwriter, agent or employee of the corporation whom the Commission may consider appropriate for approval or qualification;

4. In the case of a publicly-traded corporate holding company of a corporate

applicant for a casino license, the individual qualifications may be waived as to:

i. Any such person of the publicly-traded corporate holding company who is not significantly involved in the activities of the corporate applicant for the casino license; and

ii. Any such security holder of a publicly-traded corporate holding company who does not have the ability to elect a director of or to control the said holding

company;

5. Each of the following persons of every noncorporate applicant for a casino license and of every noncorporate holding company of and noncorporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards:

i. Each person who directly or indirectly holds any beneficial interest or

ownership in the applicant for the casino license;

ii. Each person who in the opinion of the Commission has the ability to control the applicant for the casino license; and

iii. Each person whom the Commission may consider appropriate for approval or qualification.

### 1-3.2 Casino service industry licenses

- (a) No casino service industry license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the the Act and of the regulations of the Commission:
- 1. In the case of casino service industry licenses issued in accordance with Section 47 of the Act;
- i. Each such casino service industry enterprise, its owners, its management personnel, its supervisory personnel and its principal employees in accordance with the casino employee standards; and
- ii. Each employee of such casino service industry school teaching gaming or playing or dealing techniques in accordance with the casino employee standard.

1-3.3 Employee licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

#### 1-3.4 (Reserved)

### SUBCHAPTER 4. STANDARDS FOR QUALIFICATIONS

1-4.1 Scope

No license shall issue unless each person required to qualify shall have first qualified in accordance with the following standards applicable to the said person as set forth in the Act and the regulations of the Commission.

#### 1-4.2 Casino License Standards

(Will be published separately from these regulations)

### SUBCHAPTER 5 STATEMENTS OF COMPLIANCE

1-5.1 General provisions

The Commission may in its discretion, issue a revocable Statement of Compliance to an applicant for any license certifying that all requirement relating to a particular specified eligibility criterion or stage in the license consideration process have been complied with at any time the Commission is satisfied that any such requirements have been established by the applicant in accordance with the Act and regulations of the Commission.

### 1-5.2 Contents

(a) Every Statement of Compliance shall:

1. Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;

2. Set forth, as its date of issuance, the date as of which such compliance

existed;

3. Set forth its date of expiration;

4. Indicate that it is automatically revoked without further Commission action

as of the day following its date of expiration; and

5. Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

### 1-5.3 Issuance of licenses

No license shall be issued to any person to whom a Statement of Compliance has been issued unless every qualification of such person as of the time of the issuance of such license shall have first been established in accordance with the Act and regulations of the Commission.

#### SUBCHAPTER 6 INFORMATION

1-6.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant and licensee to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

1-6.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified to provide all information, documentation and assurances pertaining to qualifications required or requested by the Commission and to cooperate with the Commission in the performance of its duties. Any refusal by any such person to comply with a formal request for information, evidence or testimony shall be a basis for denial, revocation or disqualification. No application shall be granted to any applicant who fails to provide information, documentation and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

# 1-6.3 Disposition of property of a casino licensee or applicant for a casino license

(a) I shall be an affirmative responsibility of each casino licensee or applicant for a casino license, as this term is defined in (b) below, to:

1. Submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any residential, or other property in Tinian

licensee or applicant, or any affiliate of the license or applicant. Such submission shall be provided within two days of the execution of the agreement:

### 1-6.4 Duty to promptly furnish information

It shall be the duty of each applicant or licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars or other materials required or requested by the Commission. Failure to furnish same within five days after receipt of request therefore shall constitute grounds for delaying consideration of the application.

### 1-6.5 Consent to inspections, searches and seizures

Each applicant, licensee, holding company and intermediary company shall consent in writing to inspections, searches and seizures authorized by law.

### 1-6.6 Waiver of liability for disclosure of information

Each applicant, licensee, and person required to be qualified shall, in writing, waive liability as to Tinian and its instrumentalities and agents for any damages resulting from any disclosure or publication of any during any inquiries, investigations or hearings.

### 1-6.7 Consent to examination of accounts and records

Each applicant and licensee shall, in writing, consent to the examination of all accounts, bank accounts and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Commission.

### 1-6.8 Fingerprinting

Each applicant, licensee, and person required to be qualified shall be fingerprinted without charge and in duplicate on fingerprint impression card forms provided by the Commission and marked "noncriminal". One of the said forms shall be filed with the Commission and one shall be filed with the Municipal Police Department.

### 1-6.9 Photographing

Each applicant, licensee, and person required to be qualified shall be photographed without charge and in duplicate. One set of the said photographs shall be filed with the Commission and one shall be filed with the Municipal Police Department.

#### 1-6.10 Handwriting exemplars

Each applicant, licensee, intermediary company, holding company and person required to be qualified shall, in writing, consent to he supplying of handwriting exemplars in the form and manner directed upon the request of the Commission.

### 1-6.11 Oath or affirmation and attorney certification

All applicant, registration, business enterprise disclosure and personal history disclosure forms and all other papers relating thereto submitted to the Commission by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment". The affiant, if requested, shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission. All such forms and papers shall also be signed by the applicant's attorney of record, if any, which shall constitute a

certification by him that he has read the said paper and that, to the best of his knowledge, information and behalf, its contents are true.

#### 1-6.12 Untrue information

The Commission shall deny a license or registration to any applicant who shall supply information to the Commission which is untrue or misleading as to a material fact pertaining to the qualification criteria.

### 1-6.13 Signatures

- (a) All application, business enterprise disclosure and personal history disclosure forms shall be signed by each of the following persons:
- 1. If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary and its treasurer;
- 2. If of a partnership, by each of its partners; if a limited partnership, only by each of its general partners;
- 3. If of any other business enterprise, organization or association or of a governmental agency, by its chief executive officer, its secretary and its treasurer; and
  - 4. If of a natural person, by the person himself..

### 1-6.14 Form of signature

All signatures shall be signed in ink and dated on all original papers, but may be photographed, typed, stamped or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

### 1-6.15 Form of application

Each applicant, licensee, or person required to be qualified shall provide all information in a form specified by the Commission and shall complete and submit all appropriate application, registration, business enterprise disclosure and personal history disclosure forms as directed by the Commission.

NOTE: These forms, the statement and the proposal, are not reproduced herein, but can be obtained from:

Tinian Casino Gaming Control Commission P.O. Box 143 San Jose Village Tinian, MP 96952

### 1-6.16 Format of papers

All application papers submitted to the Commission shall be on paper approximately 8 1/2 by 11 inches in size, of customary weight and quality and bound on the left margin or upper left corner in volumes not to exceed 150 sheets. Where larger sheets are required for exhibits, they shall be folded substantially to the size indicated. All such papers, unless printed, shall be typed in a type size of pica or larger and double-spaced with margins of at least one inch. Copies may be reproduced by any method capable of providing plainly legible copies.

### 1-6.17 Number of copies

- (a) All original applications and other original papers relating thereto submitted to the Commission by the applicant, shall be accompanied by the following number of conformed copies:
- 1. In the case of a casino applicant and applicants for a gaming school license, four conformed copies of all personal history disclosure forms relating thereto and five conformed copies of all remaining documents;

2. In the case of an applicant for a casino service industry license, four conformed copies of all applications and papers submitted as a part thereof;

3. In the case of an applicant for a casino key employee license, two

conformed copies of all applications and papers submitted as a part thereof;

4. In the case of an applicant for a casino employee license, one conformed copy of each application and papers submitted as a part thereof.

(b) Additional conformed copies of any such papers shall be supplied upon request

of the Chairman.

### SUBCHAPTER 7 APPLICATION

1-7.1 Receipt

All application papers, unless otherwise directed by the Chair, shall initially be submitted to and received by the Chair, or such members of the Commission staff as the Chair may designate, who shall cause to be endorsed thereon the date of such receipt.

1-7.2 Filing

- (a) The Chair, or such members of the Commission staff as the Chair may designate, shall determine the date of filing as to each application received and shall cause to be endorsed thereon the date of such filing. No application shall deemed filed until the applicant shall satisfy the Chair or his or her designee:
- 1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification and copies;
- 2. That all appropriate application, business enterprise disclosure and personal history disclosure forms have been properly completed and presented;
- 3. That all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly presented;
- 4. That all other information, documentation, assurances and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
- 5. That all required fees have been properly paid and all required bonds have been properly furnished.

1-7.3 Processing

- (a) Upon a determination that all prerequisites for filing have been met the Chair, or such members of the Commission staff as the Chair shall designate, shall:
- 1. Accept the application for filing and cause same to be docketed by the Executive Director of the Commission;
- 2. Notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such expectance for filing and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or of the regulations of the Commission have been satisfied;
- 3. Direct the staff of the Commission to analyze, obtain and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application;

#### 1-7.4 Public inspection of information

No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the regulations of the Commission.

#### 1-7.5 Amendment

It shall be the duty of each applicant to promptly file with the Chair, or such members of the Commission staff as the Chair shall designate, a written amendment to his or her application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Chair or his or her designee to file any other amendment to his application at any time prior to final action thereon by the Commission.

### 1-7.6 Withdrawal

- (a) Except as otherwise provided in (b) below, a written notice of withdrawal of application may be filed by an applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and the policies of the Act. The Commission shall have the authority to direct that any applicant so permitted to withdraw his application shall not be eligible to apply again for licensure or approval until after the expiration of one year from the date of such withdrawal. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.
- (b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:
- 1. The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
- 2. The Commission has made a determination to hear the application matter directly.
- (c) Notwithstanding the foregoing, the Commission may accept and consider a written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

### 1-7.7 Reapplication by natural person after denial or revocation

- (a) Any natural person required to be licensed, qualified or approved under the provisions of the Act or regulations of the Commission whose licensure, qualifications, or approval is either denied or revoked by the Commission on the basis of that person's failure to satisfy the affirmative qualification criteria of the Act, or due to a Commission finding that such person is disqualified under the criteria of the Act, or both, may not, except as otherwise provided in (b), (f) and (g) below, reapply for licensure, qualification or approval until five years have elapsed from the date of said denial or revocation.
- (b) Any natural person whose licensure, qualification or approval is denied or revoked by the Commission on the basis of any of the following enumerated provisions of the Act or regulations of the Commission may reapply, in accordance with the procedure set forth in (c) below, for licensure, qualification or approval upon satisfaction of the conditions specified herein:
- 1. Lack of financial stability: Reapplication is permitted upon said person achieving status of financial stability.
- 2. Lack of business ability and casino experience: reapplication is permitted upon said person acquiring the requisite business ability and casino experience.
- 3. Failure to satisfy age requirement: Reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication.
- 4. Conviction of statutory disqualifier or inimical offenses: Reapplication is permitted after the lapse of five years from the date of denial or upon the issuance of a judicial order of expungement or sealing, whichever occurs first.

5. Prosecution or pending charges related to statutory disqualifier: Reapplication is permitted upon the disposition of the prosecution or pending charges

against such person.

(c) If the licensure, qualification or approval of any natural person has been denied or revoked on the basis of two or more statutory or regulatory provisions, reapplication shall only be permitted upon compliance with the requirements of this regulation as to each statutory or regulatory provision which the Commission found to be a basis for such denial or revocation.

(d) This regulation applies with equal force and effect to the denial of any application by a natural person for licensure, qualifications or approval, and to any denial of any reapplication for licensure, qualification or approval permitted under the provisions of this regulation.

SUBCHAPTER 9. FEES (Reserved)



# Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897/6040

NOTICE OF PROPOSED AMENDMENTS
TO THE REGULATIONS FOR ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend the Regulations for Engineers, Architects, Land Surveyors, and Landscape Architects. Interested persons may obtain copies of the proposed amendment from the Board of Professional Licensing.

Anyone interested in commenting on the proposed amendment may do so within 30 days from the date this notice is published in the Commonwealth Register. Such comments should be sent to:

Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Dated this 10 thay of June, 1991.

JUAN Q. INOS, ACTING CHAIRMAN Board of Professional Licensing

### NUTISIA PUT I MANMAPROPOPONI NA AMENDASION GI REGULASION PARA I ENGINEERS, ARCHITECTS. LAND SURVEYORS YAN LANDSCAPE ARCHITECTS

I Board of Professional Licensing ginen este na nutitisia i pupbliku hinerat na ha propoponi umamenda i regulasion siha para i Engineers, Architects, Land Surveyors, and Lasndscape Architects. Interesante siha na petsona siña manmanunule' kopian i manmapropoponi na manedasion ginen i Board of Professional Licensing.

Hayi interesao manmama komento put 1 manmapropoponi na amendasion siña mana'hahalom i tinige'-ñiha komenton siha gi halom trenta dias despues di i fecha ni mapupblika este na nutisia gi halom Rebhistran Commonwealth. Todu komento siha debi di u mana fanhahanao guato gi sigiente na adres:

> Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, MP 96950

Mafecha gi este i mina 10 \_ ns dia gi Hunio, 1991.

IUAN O. INOS. ACTING CHAIRMAN

Board of Professional Licensing

# ARONGORONGOL FFÉÉRRRÚL ALLÉGH REEL MWÓGHUTUGHUTUUR ENGINEERS, ARCHITECTS, LAND SURVEYORS, ME LANDSCAPE ARCITECTS.

Schóol Board of Professional Licensing, nge ekke arongaar towlap reel igha ebwe ayoora lliiwel mellól allégh kka e ghil ngáliir Engineers, Architects, Land Surveyors, me Lanscape Architects. Aramas kka re tipáli nge emmwel schagh bwe rebweló bweibwogh kopiyal allégh kkaal mellól Bwulasiyool Board of Professional Licensing.

Iwe, aramas ye e tipáli, bwe ebwe isiisilong meta tipal me ngáre mángemángil nge emmwe epwal atotoolong llól eliigh rál (30) sángi igha e toowow arongorong yeel mellól Commonwealth Register. Tipitip kkaal nge rebwe fang ngáli,

Acting Chairman Board of Professional Licensing P.O. Box 2078 Saipan, Mp 96950

Ráálil ye 10 H June, 1991

JUAN Q. INOS ACTING CHAIRMAN Board of Professional Licensing

### REGULATIONS

### of the

### BOARD OF PROFESSIONAL LICENSING

for

## Engineers, Architects, Land Surveyor and Landscape Architects

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### **REGULATIONS**

of

### **BOARD OF PROFESSIONAL LICENSING**

for

Engineers, Architects, Land Surveyors and Landscape Architects

### PART I. GENERAL PROVISIONS

- 1.1 PURPOSE. The purpose of adopting these rules and regulations is to clarify and implement Public Laws 1-8, 4-53 and 5-43, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.
- 1.2 AUTHORITY. The Regulations of the Board of Professional Licensing are adopted herewith pursuant to authority vested in the Board under P.L. 5-43.
- 1.3 FORCE AND EFFECT. The Regulations of the Board and Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities registered under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding certificates or registration, certificates of authorization and temporary permits. No person except those exempted by 4 CMC 3213 and 3215 shall practice professional engineering, architecture, land surveying or landscape architecture unless registered hereunder.
- 1.4 Rules of Order. The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

### PART II. DEFINITIONS.

- (A) ABET. The letters "ABET" shall mean Accreditation Board for Engineering and Technology.
- (B) Approval Institution of Higher Education. The term "approved institution of higher education" shall mean institutions offering curricula leading to a Ph.D. or master's degree in engineering or architecture or architecture accredited by the Accreditation Board for Engineering and Technology, Inc. and the National Architectural Accreditation Board, respectively.
- (C) Approved School or College. The term "approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by the Accreditation Board for Engineering and Technology, Inc., or the NCEE Ad Hoc Subcommittee on Foreign Education of the International Relations Committee, the National Architectural Accreditation Board or Council of Landscape Architects Registration Boards.

- (D) ARE. The letters "ARE" shall mean Architect Registration Examination prepared by NCARB.
- (E) Architect. The term "architect" shall mean a person who has been duly registered by the Board to engage in the practice of architecture within the Commonwealth.
- (F) Base State. The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially registered or the jurisdiction to which an applicant has transferred his base state status.
- (G) Board. The term "the Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by P.L. 1-8, Chapter 5.
- (H) Branch. The term "branch" of engineering shall mean the various subdivisions of the engineering profession, i.e. civil, structural, mechanical, electrical, marine etc.
- (I) CLARB. The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- (J) Certification. The term "certification" or "certify" shall mean the sealing and signing of documents prepared under the responsible charge of the individual affixing his seal and signature.
- (K) Certificate of Authorization. The term "certificate of authorization" shall mean that documents issued by the Board to a sole practitioner, partnership, corporation, association or joint venture in the name of the firm and identifies the firm as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (L) Certificate of Registration. The term "certificate of registration" shall mean that document issued by the Board to an individual in his or her own name, which identifies the individual as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (M) Civil Engineering. That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena and forces of nature; preparation and/or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals and valuations and inspection of the construction of engineering structures. Engineering of

- structures and buildings by a civil engineer shall be limited to 3 stories in height or 45 feet in height which ever is less in height.
- (N) Commonwealth. The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- (O) Consultation. The term "consultation" shall mean meetings, discussions, written and verbal messages, reports, etc., involving scientific, aesthetic and technical information, facts, and advice for purposes of planning, designing, deciding, or locating construction or alteration of structures, buildings, works, machines, processes, land areas and projects.
- (P) Consulting Engineer. The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.
- (Q) Design. The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, statement, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.
- (R) Directly in Charge of the Professional Work. The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.
- (S) Electrical Engineering. That branch of engineering which embraces studies, design and activities relating to the generation, transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.
- (T) Engineer. The term "engineer" shall mean a person as defined in 4 CMC 3211(d) who has been duly registered by the Board to engage in the practice of engineering in the Commonwealth.
- (U) Engineer-in-Training. The term "engineer-in-training" shall mean a person who has met the education or experience and character requirements as set forth herein, passed the Board's examination Part I Engineering Fundamentals and has been duly registered by the Board.
- (V) Evaluation. The term "evaluation" shall mean careful research, examination, or inquiry to reveal, determine or estimate the value, worth, merit, effect, efficiency or practicability of planning, design, location,

- construction or alteration of existing or proposed structures, buildings, works processes, land areas or projects.
- (W) Inspection of Construction. The term "inspection of construction" shall mean making periodic visits to the site by a registered engineer, architect, or landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is progressing in accordance with the contract documents.
- (X) Investigation. The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.
- (Y) Jurisdiction. The term "jurisdiction" shall mean the state, commonwealth, territory, possession or country authorized by law to register professional engineers, architects, land surveyors or landscape architects.
- (Z) Landscape Architect. The term "landscape architect" shall mean a person as defined in 4 CMC 3211(e) who has been duly registered by the Board to engage in the professional practice of landscape architecture in the Commonwealth.
- (AA) Land Surveyor. The term "land surveyor" shall mean a person as defined in 4 CMC 3211(f) who has been duly registered by the Board to engage in the professional practice of land surveying in the Commonwealth.
- (BB) Land Surveyor-In-Training. The term "land surveyor-in-training shall mean a person who has met the education or experience requirement as set forth herein, and in either case has passed the Board's examination on fundamentals of land surveying and has been duly registered by the Board.
- (CC) Lawful Experience. The term "lawful experience" shall mean full-time experience in the appropriate professional discipline under the direct supervision of an engineer, architect, land surveyor or landscape architect registered to practice in that discipline.
- (DD) Marine Engineering. That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.
- (EE) Mechanical Engineering. That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment

- and systems, including research, design, production, operation, organization, and economic aspects of all the above.
- (FF) NAAB. The letters "NAAB" shall mean the National Architectural Accreditation Board.
- (GG) Naval Architect. Is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structural mechanics, elements of ship architecture and ship statics and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- (HH) NCARB. The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- (II) NCEES. The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- (JJ) Photocopy. The term "photocopy" shall mean any mechanical means of photographic reproduction.
- (KK) Planning. The term "planning" shall mean careful research, analysis, examination, calculation, inquiry, study and the formulation and execution of a statement, outline, draft, map, drawing, diagram and picture showing arrangement, scheme, schedule, program and procedure for locating, building and altering existing and proposed buildings, structures, works, machines, processes, land areas and projects.
- (LL) Practice of Architecture is defined by 4 CMC 3211 (a)(2) as follows: "A person practices "architecture" who holds himself or herself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical science."
- (MM) Practice of Engineering as defined by 4 CMC 3211 (d)(3) (A) and (B) as follows: "Practice of Engineering means any service or creative work, the adequate performance of which requires knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with the drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or

thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services."

"A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this Chapter or holds himself out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering."

- (NN) Practice of Landscape Architecture is defined by 4 CMC 3211 (e)(2) as follows: "A person practices "landscape architecture" who holds himself or herself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is (A) the preservation and enhancement of land uses and natural land features; (B) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and, (C) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, This Chapter shall not empower a landscape structures, or facilities. architect, registered under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."
- (OO) Practice of Land Surveying is defined by 4 CMC 3211(f)(2) (A) and (B) as follows: "Practice of Land Surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

Any person shall be construed to practice or offer to practice land surveying with the meaning and intent of this Chapter who engages in land surveying or who by verbal, sign, letterhead, card or in any other way represents himself to be a land surveyor or who represents himself as able to perform or who does perform any land surveying service or work or any

- other service designated by the practitioner which is recognized as land surveying."
- (PP) Professional Practice. Any person shall be construed to practice or offer to practice engineering, architecture, land surveying or landscape architecture within the meaning and intent of P.L. 4-53 who by verbal claim, sign, advertisement, letterhead, card or in any other way or through the use of some other title implies or represents himself to be professional engineer, architect, land surveyor or landscape architect or holds himself out as able to perform or who does perform any engineering, architecture, land surveying or landscape architecture service or work or any other service designated by the practitioner which is recognized as engineering, architecture, land surveying or landscape architecture.
- (QQ) Registered. Registered means having received a Certificate of Registration.
- (RR) Responsible Charge. The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (SS) Rules of Professional Conduct. The term "Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture and land surveying and landscape architecture in the Commonwealth.
- (TT) Signature. The term "signature" shall mean the reproducible original signing of ones own name. Rubber signature stamps shall not be acceptable.
- (UU) Specifications. The term "specifications" shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed, land areas and projects.
- (VV) Structural Engineering. That branch of engineering which deals with investigation, design, selection, and construction supervision of the force-resisting and load-supporting members, of structures, such as foundations walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae, and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than 3 stories high must be designed by a structural engineer.

### PART III. APPLICATIONS

### 3.1 GENERAL PROVISIONS.

- (A) Applicants for registration as an Engineer-In-Training or Land Surveyor-In-Training shall be accepted for individuals who believe they are qualified by education and/or experience, in accordance with requirements of the Laws of the Commonwealth, to sit for the Fundamentals of Engineering or Fundamentals of Land Surveying Examination.
- (B) Applications for registration as a professional Engineer, Architect, Land Surveyor or Landscape Architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the Laws of the Commonwealth, to be registered to practice their profession in the Commonwealth.

### 3.2 FORMS.

(A) All applications filed with the Board shall be complete, filed on the forms prepared by the Board and prepared in accordance with and contain all the information called for on the form.

### 3.3 INSTRUCTIONS

- (A) Information on Application forms must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.
- (B) To allow time for the Board to process the Application, receive verification of required information and order examination booklets, applications for examination must be filed with the Board at least ninety (90) days prior to the date established by the Board for the appropriate examination.
- (C) Information on the Application form must account for all time that has elapsed since the date of the applicant's first employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicants experience record.
- (D) Comity Registration. An applicant shall make such request in writing. File the required application and indicate that he or she has or has not attained a passing score in a written examination equivalent to NCEES, NCARB, or CLARB as set forth in these regulations. A non-refundable fee shall accompany the written request for registration.
- (E) Certificates of Registration submitted to the Board by National Council of Examiners for Engineering and Surveying, National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards shall be accepted in addition to the information required on the form prepared and furnished by the Board.
- (F) All Applications shall be accompanied by one endorsed passport-size photograph of the applicant. The photograph may be either black and

- white or color; unretouched, full-face taken within 30 days of the date of the Application.
- (G) Applications submitted to the Board shall be signed and attested before a notary public.
- (H) The withholding of information, misrepresentation of fact or attesting to untrue statements shall be grounds for the denial or revocation of an application or registration.
- (I) It is the responsibility of the applicant for all documents, references, certificates and or diplomas as required to be submitted on time to the Board.
- 3.4 FUNDAMENTALS OF ENGINEERING EXAMINATION. An application to sit for the Fundamentals of Engineering Examination and registration as an Engineer-In-Training shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.5 PRINCIPLES AND PRACTICE OF PROFESSIONAL ENGINEERING EXAMINATION. An application to sit for the Principles and Practice of Professional Engineering Examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.6 PROFESSIONAL ARCHITECT EXAMINATION AND REGISTRATION. An application to sit for the Architect Registration Examination and registration shall be filed no later than March 01, before examination which is regularly conducted by the Board once a year in June. The application must be accompanied by application fee.
- 3.7 LAND SURVEYOR-IN-TRAINING EXAMINATION. An application to sit for the Land Surveyor-In-Training Examination shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or no later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.8 PROFESSIONAL LAND SURVEYOR EXAMINATION. An application to sit for the land surveyor examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.9 LANDSCAPE ARCHITECT EXAMINATION. An application to sit for the Landscape Architect Examination and registration shall be filed no later than March 01, before the examination which is regularly conducted by the Board once a year in June. The application must be accompanied by the application fee.
- 3.10 RE-EXAMINATION. An application for re-examination shall be filed no later than the following dates:

- (A) January 01, for engineering fundamentals, professional engineer, land surveyor-in-training and professional land surveyor examinations which are conducted in April, or July 01, for such examinations which are conducted in October.
- (B) March 01, for landscape architect examinations which are conducted once a year in June.
- (C) March 01, for professional architect examinations which are conducted once a year in June.

The application must be accompanied by the application fee. An approved applicant for re-examination is not required to pay an application fee which was previously paid.

3.11 TEMPORARY PERMIT REGISTRATION. In the case of an applicant for a temporary permit pursuant to 4 CMC 3213 (c), the application shall be accompanied by a statement setting forth the reason or reasons for the applicant's desire for registration and identify the project in which the applicant will work.

### 3.12 SUPPORTING DOCUMENTS

- (A) Applications for registration by comity shall include one (1) copy each of the applicant's:
  - 1) college or university diploma or a transcript of all college courses taken;
  - 2) professional registration certificate and current registration card issued by the jurisdiction where the applicant was first registered by examination or the applicant's current base state if different from the jurisdiction of first registration.

Applicants for registration as a NCEES, NCARB or CLARB Certificate holder shall be exempt from this requirement.

(B) Applications for registration by examination shall include a certified transcript forwarded to the Board by the college or university from which the applicant graduated.

#### 3.13 CHARACTER AND EXPERIENCE

(A) Applicants for registration shall submit the names and current addresses of five (5) references, three of the references must be registered practitioner in the branch or profession in which registration is requested. References must be able to provide information based upon first hand knowledge of the applicants character, experience and professional qualifications.

### 3.14 VERIFICATION REQUIREMENTS

(A) CHARACTER. The Board shall accept completed reference verification forms only when:

- 1. received from the U.S. postal service or other delivery services, from the reference source directly;
- 2. hand-delivered to the Board Office by the reference him or herself and the form is signed and sealed by the reference him or herself.
- (B) EDUCATION. The Board shall accept only a certified copy of a transcript or certificate of graduation from an approved school or college as evidence of having met the education requirement for examination.
- (C) EXPERIENCE. The Board shall accept detailed sealed and signed statements from duly registered practitioners of the branch or profession for which registration is sought, attesting to the term of lawful experience.
- (D) RESPONSES. Slow response or failure of a reference college or university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.
- (E) BASE STATE. In addition to the requirements set forth in (B) and (C) above, the Board shall accept only an official verification of registration forwarded by the jurisdiction when sealed with the Board seal and signed by a responsible board administrator, which issued the applicant's initial registration attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in part IX of these regulations.
- (F) TRANSMITTAL. Verification submitted by or passing thru the hands of the applicant shall not be accepted. Telefax transmittal of Verifications shall not be accepted unless followed by the original copy delivered to the Board as set forth in (A) 1 or 2.
- (G) NATIONAL COUNCIL CERTIFICATES. The applicant shall be responsible for requesting the transmittal of Council records to the Board and paying all Council fees associated with the transmittal.

### 3.15 FOREIGN EDUCATION AND EXPERIENCE

- (A) All foreign language documents submitted for review by the Board shall be accompanied by a certified translation in English by a competent authority.
- (B) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES, NCARB or CLARB as appropriate.
- (C) An applicant shall be able to speak, read and write in the English language as a requirement for registration.

- (D) Foreign experience not under the direct supervision of an Architect, Landscape Architect, Engineer or Land Surveyor as defined herein shall be creditable for a maximum of 2 years experience.
- 3.16 DENIAL. In the event an application for examination, registration, temporary permit or Certificate of Authorization or for the reinstatement thereof is denied, the Board shall notify the applicant by letter of the Board's decision and shall include a concise statement of the reasons therefor.

### PART IV FEES

### 4.1 METHOD OF PAYMENT

(A) Payment of fees shall be made by personal check, money order, cashier's check, traveler's check or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made to the Treasurer.

### 4.2 APPLICATION FEES

(A) The receipt issued by the Treasurer upon payment of the application fee shall be attached to the Application when submitted to the Board Office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

### 4.3 EXAMINATION FEES

(A) The receipt issued by the Treasurer upon payment of the examination fee shall be attached to the Application when submitted to the Board Office. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies. Examination fees are non-refundable.

### 4.4 RENEWAL FEES

- (A) Renewal fees are due and payable before the last day of April of each even year.
- (B) Registrants whose renewal fees are received after the renewal date shall be assessed a monthly late penalty until the fee is paid or until the registration expires.

### 4.5 CHANGES IN FEES

(A) Changes in the amount of a fee charged shall be by revision of the Board Regulations in accordance with Commonwealth Law.

See next page for Schedule of Fees (section 4.6)

### 4.6 SCHEDULE OF FEES

# **Application Fees**

Initial Application	\$100.00 50.00 100.00 100.00
Examination Fees	
Fundamentals of Engineering (EIT)	30.00 60.00 50.00 100.00 40.00
Part I & II together	50.00
Part I or II	30.00
Part II Only	30.00
CNMI Land Matters Exam	50.00
NCARB A.R.E.  Division A	40.00 60.00 25.00 90.00 35.00 20.00 40.00 40.00 300.00 200.00
Renewal	
Bi-Annual  Delinquent (each month)  Corporate  Delinquent	75.00 25.00 150.00 50.00
Reinstatement	100.00
Replacement/Duplication of Certificate	25.00

### PART V. REGISTRATION REQUIREMENTS

- 5.1 CHARACTER AND REPUTATION. An applicant shall be of good moral and ethical character and reputation.
- 5.2 ENGINEER-IN-TRAINING. An applicant for registration as an Engineer-In-Training, shall take and pass the Fundamentals of Engineering Examination and shall:
  - (A) Be a graduate of an approved school or college of engineering; or,
  - (B) Be a graduate of a four year non approved engineering, related sciences or engineering technology program and have four (4) years of full-time lawful experience; or,
  - (C) Have not less than eight (8) years of full-time lawful experience in engineering.
- 5.3 LAND SURVEYOR-IN-TRAINING. An applicant for registration as a Land Surveyor-In-Training shall take and pass the Fundamentals of Land Surveying Examination and shall:
  - Have a bachelor's degree in a four year geo-science, civil engineering or general engineering curriculum from an approved school or college; or
  - 2) Have an associate degree in a two year civil engineering technology (survey option) curriculum from an approved community or technical college and also have not less than four (4) years of full-time lawful experience in land surveying; or
  - 3) Have not less than eight (8) years of full-time lawful experience in land surveying.
- 5.4 Qualification for Registration. The qualification for registration is defined by 4 CMC 3216 as amended as follows:
  - (a) "No person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect unless:
    - (1) Such person is the holder of an unexpired certificate of registration issued to him by any jurisdiction, domestic or foreign, in which the requirements for registration at the time such person was first registered were of a standard satisfactory to the Board; <a href="Provided">Provided</a>, that such person shall successfully pass a written or oral examination, or both, prescribed by the board and designed to test his or her knowledge of laws and regulations of the Commonwealth for the profession for which registration is desired; or
    - (2) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed an engineering or landscape architectural curriculum of four years or more, all as the case may be; and also has had four years of full-time lawful experience in engineering or landscape architecture

work, as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both prescribed by the board and designed to test such person's knowledge, skill and competency in the profession for which registration is desired; or

- (3) Such person has had twelve years of full-time lawful experience in engineering or landscape architecture work as the case may be, of a character satisfactory to the Board, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test such person's knowledge, skill, and competency in the profession for which registration is desired; or
- (4) (A) Such person holds a masters degree in architecture from an approved institution of higher education with training and education in the field of architecture adequate to the satisfaction of the Board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
  - (B) Such person holds a bachelors degree in architecture from a school or college approved by the Board as of satisfactory standing, and has completed an architectural curriculum of five years; and has also had two years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (5) Such person is a graduate of a school or college approved school by the Board as of satisfactory standing and has completed a prearchitecture or arts and science curriculum of four years or more; and has also had five years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (6) Such person has had 12 years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

- (7) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed a geoscience, civil engineering or general engineering curriculum of four years or more; and has also had four years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competence in the profession of land surveying; or
- (8) Such person is a graduate of a community college approved by the Board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had eight years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (9) Such person has had 12 years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (10) Such person was a Registered Land Surveyor under Title 31 of the Trust Territory Code as of December 31, 1979; and applies for registration as a land surveyor under this Chapter by June 30, 1985; or
  - (a) Such person meets all of the qualifications for registration as a Professional Engineer, Architect, or Landscape Architect under any of subsections (1) through (7) of this Section, other than the passage of an examination prescribed by the Board; and has been a domiciliary of and practiced such profession in the Commonwealth for at least four years up to and including December 31, 1985; and who applies for registration under this Act December 31, 1990.
  - (b) In addition to the foregoing requirements, the Board, may, in its discretion, require additional proof that the applicant is competent to practice professionally, and whenever the Board is not fully satisfied from the results of an examination that an applicant is competent to practice professionally, it may give the applicant a further examination or examinations.
  - (c) Except as provided in the Commonwealth Constitution, Schedule on Transitional Matters, no person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect who is not of good character and reputation. Notwithstanding any other provision of this Section 3216, no person shall be eligible for registration as an

- engineer under the provisions of subsection (2) or (3) of this Section unless such person shall first have passed a written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in engineering fundamentals.
- (d) No person shall be eligible for registration as a structural engineer unless such person shall first have been registered as civil engineer.
- 5.5 INTERVIEW. An applicant for examination shall appear before the Board for a personal interview.
- 5.6 COMITY. No person shall be eligible for a certificate of registration pursuant to 4 CMC 3109 unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same profession or branch.
- 5.7 TEMPORARY PERMIT. No person shall be eligible for a certificate of registration pursuant to 4 CMC 3213 (c) unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same branch or discipline.
- 5.8 LAND MATTERS. Applicants for comity registration as a Land Surveyor shall be required to pass an examination testing such person's knowledge of CNMI land matters when such examination is in existence.
- 5.9 EXEMPTIONS. Persons practicing professional engineering, architecture, land surveying and landscape architecture shall be exempted for registration pursuant to 4 CMC 3213, who are defined as follows:
  - (a) "Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the United States.
  - (b) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the Commonwealth during the terms of office or employment of such persons.
  - (c) Such nonresident persons as may be granted temporary permits by the Board to practice professional engineering, architecture, land surveying or landscape architecture for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the Board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be cancelled at any time at the pleasure of the Board. The fee for each temporary permits shall be fixed by the Board by regulation."
- 5.10 PUBLIC WORK. In accordance with 4 CMC 3214 as amended, "the Commonwealth and its officers shall not engage in the construction of any public works involving professional engineering, architecture or landscape architecture for which plans, specifications and estimates have not been made and the

construction of which is not supervised by a professional engineer, architect or landscape architect duly registered or exempted hereunder, provided, that nothing in this section shall apply to any public works involving professional engineering, architecture or landscape architecture projects wherein the total aggregate contractual cost thereof does not exceed the sum of \$200,000 and the officer is a citizen or national of the United States of America or a permanent resident of the Commonwealth. All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a registered land surveyor or professional exempted hereunder, provided the surveyor is a citizen of the United States of America."

### PART VI EDUCATION

### 6.1 ENGINEERING AND LAND SURVEYING

- (A) The term "approved school or college" shall be interpreted by the Board to mean:
  - a Baccalaureate degree in a professional engineering curriculum accredited by the Accreditation Board for Engineering and Technology, Inc.;
  - 2) a foreign degree in an engineering curriculum recognized by the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations Committee as a program that "would appear to have" acceptable academic qualifications; or
  - a foreign degree in an engineering curriculum recommended by the NCEES commercial education credentials evaluation contractor as equivalent to a standard mainland U.S.A. curriculum. The accreditation statement shall be based within two (2) years before graduation.

### 6.2 ARCHITECTURE

- (A) The term "approved school or college" is interpreted by the Board to mean:
  - 1) a Baccalaureate degree in a 5-year architecture curriculum accredited by the National Architectural Accreditation Board; or
  - 2) Certificate issued by NCARB. The accreditation statement shall be based within (2) years before graduation.

### 6.3 LANDSCAPE ARCHITECTURE

- (A) The term "approved school or college" is interpreted by the Board to mean:
  - 1) a baccalaureate in a 4-year landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board.

### PART VII. EXPERIENCE

### 7.1 GENERAL PROVISIONS

- (A) The term "lawful experience" shall be interpreted by the Board to mean experience in the appropriate profession or engineering branch under the supervision of a NCEES, NCARB or CLARB member board registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (B) An applicant's Application to Practice must confirm lawful experience as follows:
  - 1) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors or Landscape Architects;
  - 2) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors, Landscape Architects, Planners or Interior Designers when the experience is gained out of the profession or branch for which registration is sought; and
  - 3) Teaching above the second year level in and accredited Engineering, Architecture, Land Surveying or Landscape Architecture school or college. One year teaching shall be considered to be a total teaching load of twenty (20) semester credit hours or thirty (30) quarter credit hours.
- (C) Experience history must indicate a progressive increase in the quality and complexity of projects worked on and an increase in responsibility.
- (D) Successful completion of graduate study leading to a Master's degree in engineering following a Baccalaureate Degree in engineering is creditable for one year of experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The two years credit includes the one year credited for the Master's Degree. If the Ph.D. is obtained without a Master's Degree or with a Master's Degree in a non-engineering curriculum the total creditable experience shall be on (1) year.
- (E) Experience as a contractor in the execution of work designed by a professional Engineer, Architect or Landscape Architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
- (F) Only full-time work is creditable.
- (G) Experience may not be anticipated. The required experience must have been gained prior to submittal of an application for examination.
- (H) Experience may not be gained in violation of Commonwealth Law.
- 7.2 ENGINEERING. In evaluating an applicant's experience the following credits will be allowed:
  - (A) Diversified engineering experience as an employee working in the office of a registered Engineer. Credit Allowance: 100% Maximum Credit: Unlimited

An Organization will be considered to be the "office of an Engineer" if: a) the engineering practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Engineer, b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified engineering experience as an employee of an organization (other than offices of Engineers) when the experience is under the direct supervision of a registered Engineer.

  Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to engineering when under the direct supervision of an Engineer but not qualifying as diversified experience or when under the direct supervision of a registered Architect, Landscape Architect or Surveyor or Planner.

  Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (1), (2) or (3) above, directly related to on-site building construction or experience involving physical analysis of existing structures.

  Credit Allowance: 50% Maximum Credit: 6 months
- (E) Doctoral or Master's Degree in engineering, except when the degree is a first professional degree.

  Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an ABET accredited engineering program. Credit Allowance: 100% Maximum Credit: 1 year
- 7.3 ARCHITECTURE. In evaluating an applicant's experience the following credits will be allowed:
  - (A) Diversified architectural experience as an employee working in the office of a registered Architect.

    Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of an Architect" if; a) the architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

(B) Diversified architectural experience as an employee of an organization (other than offices of Architects) when the experience is under the direct supervision of a registered Architect.

Credit Allowance: 100% Maximum Credit: 2 years

- (C) Experience directly related to architecture, when under the direct supervision of an Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Landscape Architect, Planner, or Interior Designer.

  Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.

  Credit Allowance: 50% Maximum Credit: 6 months
- (E) Master's Degree in Architecture except when the degree is a first professional degree.

  Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an NAAB accredited architecture program. Credit Allowance: 100% Maximum Credit: 1 year
- 7.4 LAND SURVEYING. In evaluating an applicant's experience the following credits will be allowed:
  - (A) Diversified land surveying experience as an employee working in the office of a registered Land Surveyor.
     Credit Allowance; 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Land Surveyor if: a) the land surveying practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Land Surveyor.

- (B) Diversified land surveying experience as an employee of an organization (other than offices of Land Surveyors) when the experience is under the direct supervision of a registered Land Surveyor.

  Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to land surveying, when under the direct supervision of a Land Surveyor but not qualifying as diversified experience or when under the direct supervision of a registered Civil Engineer or Planner.

  Credit Allowance: 50% Maximum Credit: 6 months
- (D) Master's Degree in Land Surveying except when the degree is a first-professional degree. Credit Allowance: 100% Maximum Credit 1 year
- (E) Teaching or research in a ABET accredited Land Surveying or Civil Engineering Program.

  Credit Allowance: 100% Maximum Credit 1 year
- 7.5 LANDSCAPE ARCHITECTURE. In evaluating an applicant's experience the following will be considered:
  - (A) Diversified landscape architectural experience as an employee working in the office of a registered Landscape Architect.

    Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Landscape Architect" if: a) the landscape architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Landscape Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

(B) Diversified landscape architectural experience as an employee of an organization (other than offices of Landscape Architects) when the experience is under the direct supervision of a registered Landscape Architect.

Credit Allowance: 100% Maximum Credit: 2 years

- (C) Experience directly related to landscape architecture, when under the direct supervision of a Landscape Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Architect, or Planner.

  Credit Allowance: 50% Maximum Credit: 1 year
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.

  Credit Allowance: 50% Maximum Credit 6 months
- (E) Master's Degree in Landscape Architecture except when the degree is a first professional degree.

  Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in a CLARB accredited landscape architecture program.

  Credit Allowance: 100% Maximum Credit: 1 year

#### PART VIII REFERENCES

## 8.1 GENERAL PROVISIONS

- (A) References shall be individuals who are personally acquainted with the applicant and are able to pass judgement on the applicant's character and reputation, ability and experience.
- (B) Relatives of the applicant may not be used as references.
- (C) No member of the Board may be used as a reference.
- (D) The applicant is responsible for providing current and correct addresses of living character and experience references and ensure that the references return the verification forms to the Board promptly.
- (E) In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the

postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.

## 8.2 CONFIDENTIALITY

(A) Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information shall not be divulged except when required by law.

# 8.3 APPLICANT'S RESPONSIBILITY

- (A) The applicant is responsible for insuring that the mailing address of each reference is current and correct.
- (B) Each applicant is responsible for assuring that the references return the completed reference form to the Board within a reasonable time. The responsibility includes education and employment records and verification of registration and examination from other jurisdictions. All required supporting documents shall be received by the Board Office prior to the Board taking any action.

## 8.4 EXPERIENCE

(A) Applicants for registration shall submit at least five experience references as stated in 3.13 of these Regulations.

## 8.5 CHARACTER AND REPUTATION

- (A) Of the five references required for Engineer, Architect, Land Surveyor and Landscape Architect applicants, three shall be from persons who are registered to practice such profession and who have personal knowledge of the applicant's character, reputation and lawful experience in such profession.
- (B) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

## 8.6 VERIFICATION

(A) The Board shall forward a verification form to each reference given and duly consider the responses prior to rendering a decision on the application.

## PART IX EXAMINATIONS

# 9.1 GENERAL PROVISIONS

(A) The application and experience record submitted by an applicant for registration by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time

- devoted to professional work but also to the degree of responsibility and nature of the work.
- (B) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board receives from NCEES, NCARB and CLARB for distribution to the examinees at least thirty (30) days prior to the examination date.
- (C) Applicant shall submit exam fee.
- (D) The applicant shall notify the Board as to wether he or she will or will not sit for the examination within ten (10) days after receipt of notification from the Board that he or she has been qualified to sit for the exam.
  - The Board shall assume that a candidate receives the notification no later than three (3) days from the date of mailing.
- (E) A qualified applicant shall be given two (2) consecutive opportunities to take the examination. In the event the applicant fails to sit for the examination without cause acceptable to the Board, the application will be considered null and void and the applicant shall file new application and qualify to sit for a subsequent examination. The first scheduled examination following approval of an applicant to sit for the examination shall be considered the applicant's first opportunity.
- (F) The Board shall adopt the recommendations of NCEES, NCARB and CLARB on cutoff, raw and converted scores for the grading of engineering, land surveying, architecture and landscape architecture examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

#### 9.2 ENGINEERING

- (A) Classifications. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as an Engineer as follows:
  - (1) FE Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants; and
  - (2) PE Principles of Engineering Examination (8 hours) for Professional Engineers.
- (B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:
  - (1) Has taken and passed an examination prepared by another NCEES member Board, is a registered Professional Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.
- (C) Qualification Requirements.

- (1) No applicant may sit for the FE or PE examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (2) An applicant for the Professional Engineer Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.
- (3) An applicant for registration as an Engineer-In-Training shall become eligible to sit for the Fundamentals of Engineering Examination during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved school or college of engineering. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college directly to the Board.
- (D) Passing Score. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (E) Examination Offerings. An applicant who fails to pass the FE or PE examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

# 9.3 STRUCTURAL ENGINEERING

- (A) Classifications. The Board shall adopt and administer the examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as a Structural Engineer as follows:
  - (1) FE Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants;
  - (2) PE Principles and Practice of Engineering Examination (8 hours) for Civil Engineers; and
  - (3) SE Principles and Practice of Structural Engineering Examination (16 hours). Structural I 8 hours and Structural II 8 hours.
- (B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:
  - (1) Has taken and passed a written examination administered by another NCEES member Board, is a registered Professional Structural Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.
- (C) Qualification Requirements.

- 1) No applicant may sit for the Principles and Practice of Structural Engineering Examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the structural engineering examination.
- 2) An applicant for the Principles and Practice of Structural Engineering Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering and the Principles and Practice of Engineering Examination (Civil).
- (D) Passing Score. Grading shall conform to current practices of NCEES.
- (E) Examination Offerings. An applicant who fails to pass the Structural Examination shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

## 9.4 ARCHITECTURE

- (A) Classifications. The Board shall adopt and administer the Architect Registration Examination (36 hours) prepared by the National Council of Architectural Registration Boards as the standard for examination of applicants for registration as Professional Architect.
- (B) Qualification Requirements.
  - No applicant may sit for the ARE until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (C) Passing Score. Grading shall conform to current practices of NCARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examinations. Notice of results to candidates will indicate numerical scores for each part of the examination.
- (D) Examination Offerings. An applicant who fails to pass part or parts of the ARE shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

## 9.5 LAND SURVEYING

- (A) Classification. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors as the standard for examination of applicants for registration as a Land Surveyor as follows:
  - (1) FLS Fundamentals of Land Surveying Examination (4 hours) for Land Surveyors-In-Training applicant;
  - (2) An applicant for the Professional Land Surveyor Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Land Surveying Examination.

- (3) PLS Principles and Practice of Land Surveying Examination (4 hours NCEES and 4 hours CNMI Land Matters for a total of 8 hours) for Professional Land Surveyors (if exam is in existence).
- (B) Qualification Requirements.
  - (1) No applicant may sit for the FLS or PLS examination until the Board has determined that all the required documentation has been received and approved and the applicant has otherwise met all the requirements for registration except passage of the examination.
  - An applicant for registration as a Land Surveyor-In-Training shall become eligible to sit for the Fundamentals of Land Surveying Examination during his or her senior year of enrollment in an engineering or land surveying curriculum leading to a baccalaureate degree at an approved school or college of engineering or land surveying. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college to the Board.
- (C) Passing Score. Grading shall conform to current practices of NCEES. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (D) Examination Offerings. An applicant who fails to pass the FLS, PLS or CNMI Land Matters examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of examination fee.

## 9.6 LANDSCAPE ARCHITECTURE

- (A) Classification. The Board shall adopt and administer the Landscape Architect Examination prepared by the Council of Landscape Architectural Registration Boards as the standard for examination of applicants for registration as a Professional Landscape Architect.
- (B) Qualification Requirements.
  - 1) No applicant may sit for the examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (C) Passing Score. Grading shall conform to current practices of CLARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (D) Examination Offerings. An applicant who fails to pass part or parts of the examination shall be permitted to sit for an unlimited number or successive examinations upon payment of the examination fee.

## 9.7 EXAMINATION DATES AND LOCATIONS

- (A) Examination dates are determined by the Board based on recommendations by NCEES, NCARB and CLARB respectively. The dates for each exam are available at the Board Office.
- (B) The location of each examination is determined by the Board and is based upon the availability of acceptable examination space. Information is available from the Board Office.
- 9.8 LANGUAGE. All examinations shall be in English language. The examinations shall not be translated into another language either orally or in writing.
- 9.9 STUDY INFORMATION. The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his own preparation material.
- 9.10 EXAMINATION REFERENCE MATERIALS. Instructions prior to each examination will inform the candidates if an exam part is to be open or closed book exam.

## 9.11 FAILURE TO SIT FOR EXAMINATION.

- (A) A candidate who fails to sit for an examination for which he or she has been qualified by the Board shall forfeit his or her examination fee. In cases of severe illness, death in the immediate family or other unavoidable causes which the candidate can attest under oath, witnessed by a notary public, the examination fee shall not be forfeited.
- (B) Failure of a candidate to sit for an examination for which he or she has been qualified shall not be considered as a failure of the examination.
- 9.12 EXAMINATION RESULTS. Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his score if below the passing score.
- 9.13 REVIEW OF EXAMINATIONS. An applicant who fails to make a passing score on a written examination may request to be allowed to review his examination paper within 30 days after notice of results of his examination has been mailed to him. The review must be done in the office of the Board under the supervision of a staff member.

## 9.14 EXAMINATION FOR RECORD PURPOSES

- (A) An Engineer, Architect, Land Surveyor or Landscape Architect registered by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fee.
- (B) Failure to pass an examination will in no way affect the candidates current registration.

## 9.15 RE-EXAMINATION.

(A) Retaking parts failed. Applicants for Architect registration only for reexamination may retake part(s) failed at a regularly scheduled examination under Article 3.10 above.

- (B) Examinations. A candidate failing one examination may apply for reexamination which may be granted upon payment of a fee established by regulation of the board. Before re-admission to the examination, in the event of a second failure, the examinee may, at the discretion of the Board, be required to appear before the Board with evidence of having acquired the necessary additional knowledge to qualify.
- (C) ARCHITECT REGISTRATION EXAMINATION (A.R.E.)

To pass the A.R.E. an applicant must achieve a passing grade on each division. Scores from the individual divisions may NOT be averaged. The Council does not required applicants to take all divisions of the A.R.E. at their initial sitting for the examination nor that they take all previously failed divisions at any subsequent sitting for the examination. For purpose of certification, the Council permits applicants unlimited opportunities to retake divisions previously failed.

- (D) EXAMINATION RETAKES. A candidate who has failed the professional engineering, land surveying, architectural, or landscape architectural examination may retake the examination at any succeeding examination session upon written request and payment of the required fee.
- (E) EXAMINATION RETAKE ELIGIBILITY. If a candidate fails to complete the examination requirement successfully after three years and wishes to continue to seek registration, he must file a new application with required fees and indicate additional qualifications in support of his request. Once a candidate is approved to take examination, the candidate may continue to retake the examination but must reapply for each examination.

## PART X CLASSIFICATIONS OF REGISTRATION

## 10.1 ENGINEERING

- (A) An applicant approved for registration as an Engineer shall be registered as an:
  - 1) Engineer-In-Training; or
  - 2) Professional Engineer
- (B) Professional Engineers shall be registered in one of the recognized NCEES branches of engineering.

## 10.2 ARCHITECTURE

- (A) An applicant approved for registration as an Architect shall be registered as a:
  - 1) Professional Architect

#### 10.3 LAND SURVEYING

- (A) An applicant approved for registration as a Land Surveyor shall be registered as a:
  - 1) Land Surveyor-In-Training; or
  - 2) Professional Land Surveyor

## 10.4 LANDSCAPE ARCHITECTURE

- (A) An applicant approved for registration as a Landscape Architect shall be registered as a:
  - 1) Professional Landscape Architect

# PART XI CERTIFICATES OF REGISTRATION

- 11.1 ISSUANCE OF CERTIFICATES. Upon completion of all the requirements for registration, the Board shall issue a Certificate of Registration to an applicant. The Certificate shall identify the applicant as an Engineer-In-Training, a Professional Engineer, Professional Architect, Land Surveyor In-Training, Professional Land Surveyor or a Professional Landscape Architect, as the case may be.
- 11.2 PROHIBITED ACT. It is expressly prohibited, and is a violation of these regulations for any registrant to use his/her registration and authorization hereunder to apply a seal or stamp of approval to any plans or work over which he/she does not have proper control or supervision. Further, no registrant may use his/her authorization hereunder for any plans or work performed by any other person or entity unless the registrant is a full time employee of such person or entity, or a partner or officer of such entity; and such acts of the registrant must be in full compliance with the terms of these regulations.
- 11.3 REGISTRATION NUMBERS. Each registrant shall be assigned a registration number at the time registration is approved by the Board. Numbers are issued consecutively and separately for professional Engineers, Architects, Land Surve yors and Landscape Architects in the order in which the applications are approved.
- 11.4 FORM. The certificate shall be in the form required by Law, and as otherwise approved by the Board.
- 11.5 ENGINEERING BRANCHES. The Certificate of Registration for a professional engineer or engineering firm shall designate the branch in which such person or firm is registered to practice.
- 11.6 DISPLAY. Every person registered as an individual and every partnership, corporation, association and joint venture maintaining an office or other place of business for the practice of his/its profession, shall display his or its original Certificate of Registration or Certificate of Authorization or permit together with evidence of current validation in a conspicuous manner, in his or its principal office of place of business.
- 11.7 REPLACEMENT. Upon submittal of a request and a notarized affidavit attesting to loss, destruction or mutilation of the original certificate, a registrant in good standing will be furnished a new certificate upon payment of a replacement fee.

## PART XII TEMPORARY PERMITS

#### 12.1 GENERAL PROVISIONS

(A) The Board may grant a Temporary Permit for a limited period to a non-resident, sole practitioner, partnership, corporation, association or joint venture who or that has no established place of business in the Commonwealth but desires to practice or offer to practice engineering, architecture, land surveying or landscape architecture in the Commonwealth.

## 12.2 REQUIREMENTS

- (A) No person shall be eligible for a Temporary Permit under 4 CMC 3213(c) unless such person possesses the same qualifications as are required of other applicants for certificate of registration in the same discipline or branch.
- (B) Requests for a Temporary Permit shall be submitted in writing setting forth reasons for the desired permit.
- (C) Temporary Permits issued, shall be for one project only. A Temporary Permit grants the permittee the right to practice engineering, architecture or landscape architecture for only the duration of the project identified on the permit.
- (D) A Temporary Permit may not be renewed or extended to include any other project.

## PART XIII SEALS

13.1 BOARD SEAL. The official seal of the Board shall consist of a latte stone with star super imposed surrounded by the words "CNMI Board of Professional Licensing".

## 13.2 INDIVIDUAL SEAL

(a) Authorized Design. The holder of a Certificate of Registration shall be authorized and required to use a seal or rubber stamp of the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1-5/8 in diameter. The name of the registrant and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Registered Professional Engineer," "Registered Professional Architect," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect" together with the registrant's certificate number, shall appear in the center space.

(b) Required Use. All drawings, specifications, maps, reports, surveys and descriptions prepared by or under the supervision of a registered

Professional Engineer, Architect, Land Surveyor or Landscape Architect, shall be stamped with the authorized seal or stamp and authenticated as provided in PART XIV below.

## PART XIV AUTHENTICATION OF DOCUMENTS

## 14.1 GENERAL PROVISIONS

- (A) As contained in 4 CMC 3219 the contents of certificates and use of seal are defined as follows:
  - (a) "Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the Board to practice professional engineering, architecture, land surveying, or landscape architecture."
  - (b) "In the case of a certificate issued to a person authorizing such person to practice professional engineering, the certificate shall also indicate the major branch or branches of engineering in which the person has specially qualified."
  - (c) "Every registered person may use a seal or rubber stamp of a design authorized by the Board bearing such person's name and the words "registered professional engineer", "registered architect", "registered land surveyor", or "registered landscape architect", or otherwise as may be authorized by the Board."
  - (d) "All plans, specifications, maps, and reports prepared by or under the supervision of a registered engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the certificate of the registrant names thereon has expired or has been revoked or suspended unless such certificate has been renewed or reissued."
  - (e) "No official of the Commonwealth who is or may hereafter be charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this Chapter; and no map or survey prepared after the effective date of this Chapter shall be filed with any official of the Commonwealth unless stamped with the seal of a registered land surveyor."

- (B) The seal and signature of the responsible registrant shall be placed on all complete drawings, specifications, maps, reports, surveys, plans, designs and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under his or her direct supervision.
- (C) The registrant's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.
- (D) When a document contains more than one sheet or page, the first sheet or title page shall be sealed and signed by all registrants who were in direct charge and are responsible for the work. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. When the work is performed by a firm, partnership or corporation, each sheet shall be sealed and signed by the principal in responsible charge.
- (E) The seal and signature shall be placed on work only when the work was done under the registrant's direct supervision and control.
- (F) When a registrant in another jurisdiction has a Temporary Permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the Temporary Permit number to all work done in the Commonwealth.
- (G) When a CNMI registrant certifies the work of an out-of-state registrant, the CNMI registrant shall have complete dominion and control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

# 14.2 SEAL AND SIGNATURE

(A) Design Authentication. All design work prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

# Signature

(B) Construction Inspection. In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly registered professional Engineer, Architect or Landscape Architect charged with inspection of the construction pursuant to this rules and regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCT SUPERVISIO		OBSERVATION	OF	THIS	PROJECT	WILL	BE	UNDER	MY
-	Signature								
or sta conce unable Lands notific	imp ar erning i e to di cape / ation s	the registered End signature apinspection of coischarge his or Architect shall so hall include the e Architect char	pears nstructure her contification	in corection shad luties, so y the B if know	nnection with all be removed the register of the contraction of the register o	h the foved, reprinted Englished (gistered)	orego placed gineer 15) di Engir	ing stated or other r, Archited ays, and s neer, Arch	ment wise ct or such
(C)	Lands	n and Construct of the contract of the contrac	nas res	sponsib	ility for the d	an Eng esign a	gineer nd co	r, Archited	t or , the
THIS WORK CONSTRUCT SUPERVISION	TION	S PREPARED INSPECTION		ME OI THIS	R UNDER PROJECT	MY S WILL		IVISION UNDER	AND MY
				Signa	ture		<del>-</del>	<del></del>	
(D)	autho with v seal o	oorary Permit Horized and require which he or she is stamp the legar name:	ed to s pern	use the nanentl	seal or star y registered	np auth on all w	orized ork a	d by the B nd under	oard such
Temp	orary F	Permit No.				_			
THIS WORK	WAS F	PREPARED BY N	/IE OR	UNDE	R MY SUPE	RVISION	l.		

In addition to the foregoing requirements, documents submitted for building or construction permits involving public safety or health, prepared by a temporary permit holder, shall bear the permit holders authorized seal or stamp and be authenticated as prescribed in subsections (A), (B) and (C) above.

Signature

## 14.3 ENGINEER'S SEAL

- (A) The seal and signature of a registered professional Engineer shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves the practice of engineering as defined herein.
- (B) The seal and signature of an Engineer, registered in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:
  - 1) All portions of documents for single family detached dwellings may be sealed and signed by a professional Civil or Structural Engineer;
  - 2) Documents for the structural portion of buildings no greater than three (3) stories or thirty (30) feet in height may be sealed and signed by a Civil Engineer.
- (C) Documents for multi-family dwelling and residential subdivisions shall be sealed and signed by professional Engineers registered in the appropriate branches as well as an Architect.
- (D) Documents for foundations of pre-engineered structures sealed and signed by a professional Engineer registered in another jurisdiction shall also be reviewed and sealed and signed by a Structural or Civil Engineer registered in the Commonwealth.

## 14.4 ARCHITECT'S SEAL

- (A) The seal and signature of an Architect shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.
- (B) The seal of an Architect shall be placed on documents for multi-family dwelling units and subdivisions as well as the seals and signatures of Engineers in the appropriate branches.

## PART XV RENEWAL

# 15.1 NOTICES

- (A) Certificates shall be renewed on a biannual basis. Renewal of all certificates shall be not later than April 30 of each even year.
- (B) A renewal notice shall be mailed by the Board to the last known address of each individual registrant holding a Certificate of Registration and to each partnership, corporation, association or joint venture holding a Certificate of Authorization indicating the date of expiration of the certificate and the amount of the renewal fee.

(C) Temporary permits shall not be renewable.

# 15.2 FEES

- (A) Renewal fees may be paid any time prior to the annual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal.
- (B) Failure of a registrant to renew before the renewal date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired by failure to renew must file a new application and receive Board approval for reinstatement.
- (C) A registrant who supplies the Board with an affidavit that he or she is no longer practicing in the Commonwealth before the expiration date of his or her certificate may retain the certificate for later use upon reinstatement and payment of a reinstatement fee.
- (D) Renewal fees paid by mail shall be considered as paid if the envelope bears a postmark of April 30 or earlier.
- (E) Responsibility for the timely payment of the renewal fee rests solely with the registrant.

## PART XVI NOTIFICATION AND FILING

## 16.1 NAMES, ADDRESSED AND CHANGES.

- (A) General. Each sole practitioner holding a Certificate of Registration and each corporation holding a Certificate of Authorization or Temporary Permit to practice in the Commonwealth shall file his or her mailing address and the name and address of his or her employer, as applicable, with the Board and shall immediately notify the Board in writing of any and all changes.
- 16.2 PARTNERSHIP AND CORPORATIONS. Pursuant to 4 CMC 4101 et. seq. and 4 CMC 3220, a partnership or corporation may engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth, provided the person or persons connected with the partnership or corporation directly in charge of the professional work is or are duly registered hereunder. Such persons in direct charge shall be full-time employees, principals, and/or full-time partners of the partnership or corporation, and their names shall be filed with the Board as required in subsection (C) below.
  - (A) Form of filing. Such filing shall be in the form of a notarized statement from the partnership or corporation and shall contain the following:

Partnership or Corporation Filing: A signed statement by an authorized partner or corporate officer that the person whose name is being filed is duly registered and possesses a valid certificate therefor in the Commonwealth in the appropriate profession; that such person is designated as being directly in charge of the professional work, including construction observation, performed by the partnership or corporation that

such person is a full-time employee or partner of a partnership or; officer of the corporation; that such person has been delegated the legal authority to bind the partnership or corporation in all matters relating to the professional work; and that should there be any change in the status of any person on file, whether as to valid Certificate of Registration, direct charge of the professional work, full-time employment, partnership or principalship or legal authority to bind the corporation or partnership, the partnership or corporation shall so notify the office of the Board within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, file the name of another qualified person.

(B) The following "FORM C-64" shall be used for filing:

FORM C-64

BOARD OF PROFESSIONAL LICENSING P.O. Box 2078 Saipan, MP 96950

Form for Partnership and Corporations to File with the Board Names of Persons Directly in Charge of Professional Work

i,	· · · · · · · · · · · · · · · · · · ·		being an authorized
partner/office of	Name of partnership/corporation	on	
whose address is			
said company being e	engaged in the practice of profe	ssional	
		Engineering Civil Electrical Mechanical Structural Other Specify Architecture Land Surveying Landscape Arch	

do hereby declare, under penalty of perjury, as follows:

1. That the following persons are duly registered and possesses valid certificates therefor in the Commonwealth of the Northern Mariana Islands in their respective professions and branches:

Person's Name	Person's <u>Signature</u>	Profession	Certificate <u>Number</u>

- 2. That the above named person(s) is/are designated as being directly in charge of the professional work, including construction observation, performed by this Company;
- 3. That the above named person(s) is/are full-time employees and/or partners of this Company;
- 4. That the above named person(s) has/have been delegated the legal authority to bind this company in all matters relating to the professional work; and
- 5. That should there be any change in the status of the above named person(s), wether as to valid Certificate of Registration, direct charge of the professional work, including construction observation, full-time employment or partnership, or legal authority to bind this Company, this Company will so notify the Board by letter within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, will file in the manner herein prescribed, the name of another qualified person.
- 6. That the corporation or partnership was lawfully formed and registered under, and is currently operating in compliance with, the laws of the Commonwealth. (Enclose a copy of the certificate of incorporation or a statement that the partnership is duly registered with the Registrar of Corporations.)

Name of Partnership or Corporation	
Signature & Title of Authorized Officer	•
Date	_

- (C) Each Engineering, Architectural, Landscape Architectural or Land Surveying services shall have a resident registered professional in charge.
  - Each partnership or corporation is responsible with and for the conduct or acts of the agents, employees or officers in respect to any professional engineering, architecture, land surveying, or landscape architecture, services performed or to be executed in the Commonwealth. No individual practicing professional engineering, architecture, land surveying or landscape architecture is relieved of

the responsibility for his conduct or acts performed by reason of his employment by or relationship with such partnership or corporation.

# PART XVII PROFESSIONAL CONDUCT

# 17.1 RULES OF PROFESSIONAL CONDUCT

The Board has prepared and adopted Rules of Professional Conduct for Professional Engineers, Architects, Land Surveyors and Landscape Architects practicing in the Commonwealth.

# 17.2 KNOWLEDGE OF THE RULES

All persons registered to practice professional Engineering, Architecture, Land Surveying or Landscape Architecture in the Commonwealth are charged with having knowledge of the existence of the Rules of Professional Conduct as well as amendments from time to time which shall be made known in writing to every registrant and applicant for registration.

## 17.3 CONVICTIONS

An individual or corporate registrant of this Board or an individual or corporate applicant for registration who has been fined, received a reprimand, had a certificate to practice revoked, suspended or denied by another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law or any provision of these Regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the Commonwealth shall be subject to fine, reprimand, revocation or suspension by this Board of the certificate to practice in the Commonwealth.

It is the duty of each registrant to report such conviction to the Board within 10 days following entry of such conviction, notwithstanding any appeal.

## XVIII RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS

An applicant whose application for a professional license has been disapproved by the Board of Professional Licensing (Board) may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

- 1) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within forty-five (45) days of the date of the notice of disapproval.
- 2) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:
  - (a) Mistake of fact or law;

- (b) New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
- (c) Any other evidence or reason justifying a petition for reconsideration.
- 3) Only one petition for reconsideration shall be accepted by the Board.
- 4) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

## PART XIX COMPLIANCE AND ENFORCEMENT

## 19.1 COMPLIANCE

Any person, firm, partnership, organization, association, corporation or other entity using the words "engineer", "engineering", "architect", "architecture", "landscape architecture", or any modification or derivative thereof in its name or form of business activity, or any person presenting or attempting to use the Certificate of Registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate to registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked on non-existent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he or she is registered under the provisions of P.L. 4-53, or any person who shall violate any of the provisions of P.L. 4-53 shall be guilty of violation of the Law and shall be subject to disciplinary action by the Board and prosecution by the office of the Attorney General.

# 19.2 ENFORCEMENT

The Board may initiate disciplinary or legal action in cases where an individual's or corporation's actions, within reasonable doubt, are in violation of the provisions of P.L. 4-53 or these regulations. It is the duty of the Attorney General of the Commonwealth to enforce compliance with the Law.

## PART XX DISCIPLINARY ACTION

- 20.1 DISCIPLINARY ACTIONS. Grounds for discipline are defined in 4 CMC 3218 as follows:
  - (1) "The Board may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, incompetency, or misconduct in the practice of his profession, or who is convicted of violating this Chapter or the rules or regulations of the Board.

Any person, including a Board member, may prefer charges in writing with the Secretary of the Board against any person holding a certificate. The charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they were filed, and at a time and place to be fixed by the Board.

A copy of the charges, together with the notice of the time and place of hearing, shall be sent by registered mail to the accused at least thirty days before the time fixed for hearing, and such mailing to the last known place of business or residence of the accused shall be sufficient service.

It shall require a unanimous vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board shall, in its discretion, either revoke or suspend the certificate of registration of the accused."

- (a) Any act or omission which fails to meet the generally accepted standards of engineering practice;
- (b) Conviction of or pleading guilty to a felony. A certified copy of the judgement of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purpose of any hearing under this part. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction;
- (c) Violation of, or aiding or abetting in the violation of the provisions of this part, any rule or regulation adopted by the board, or any order of the board issued in conformance with the provisions hereof;
- (d) Use of false, deceptive, or misleading advertising;
- (e) Performing services beyond one's competency, training, or education;
- (f) Failure to report to the board any registrant known to have violated any provision of any board order or rule or regulation;
- (g) Failure to report to the board any malpractice claim against such registrant or any firm partnership, corporation, or join-stock association of which he is a member, that is settled or in which judgement is rendered, within sixty days of the effective date of such settlement or judgement, if such claim concerned professional services performed or supervised by such registrant.
- 2) Any disciplinary action concerning licensure or enrollment in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this shall be prima facie evidence of grounds for disciplinary action, including denial licensure.

# 20.2 Disciplinary proceedings.

1) Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a registrant or until final agency action is otherwise taken by the board.

2) All charges, unless dismissed by the board, shall be referred to an administrative hearing by the board within 90 days after the date on which they were filed.

# PART XXI REINSTATEMENT

## 21.1 PETITION FOR REINSTATEMENT

An individual registrant or corporation holding an expired or revoked Certificate of Registration or Certificate of Authorization may petition the Board for reinstatement. The petition must clearly and concisely set forth reasons for requesting reinstatement.

## 21.2 BOARD ACTION

For reason(s) the Board deems sufficient, an expired or revoked Certificate of Registration or Certificate of Authorization may be reinstated.

## PART XXII BOARD RECORDS

## 22.1 RETENTION OF RECORDS

Applications received by the Board may be approved, disapproved or deferred, pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board.

An application from either an individual or corporation in which a violation of Commonwealth Law was evident shall be retained indefinitely by the Board.

## 22.2 DISPOSAL OF RECORDS

- (A) Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those items submitted by the applicant.
- (B) The following is the schedule of retention time for applications submitted to the Board:

Disapproved 2 years
Examination, Inactive 2 years
Expired Certificate 2 years
Deceased 6 months
Revoked or Suspended 1 year

## PART XXIII SEVERABILITY

If any provision of these Regulations, or the application of any such provision, to any person or corporation or under any circumstances shall be held invalid by a

court of competent jurisdiction, the remaining provisions of these Regulations and the application of such remaining provisions to persons or corporations or under circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these Regulations are and shall be severable.

## PART XXIV ADOPTION AND AMENDMENT OF REGULATIONS

THE END