

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 20 NUMBER 10



OCTOBER 15, 1998

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER
VOLUME 20 NUMBER 10
OCTOBER 15, 1998

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Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Caller Box 10007 CK., Saipan, MP 96950
Tel. (670) 664-3000/1/2 • Fax: (670) 664-3067

PUBLIC NOTICE OF EXTENSION OF THE PUBLIC COMMENT PERIOD FOR THE PROPOSED AMENDMENTS TO THE "TAXICAB REGULATIONS" OF THE DEPARTMENT OF COMMERCE

The Secretary of the Department of Commerce of the Commonwealth of the Northern Mariana Islands ("CNMI"), has proposed amendments to the Taxicab Regulations in the Commonwealth Register, vol. 20, no. 6, at 15917-21 (June 15, 1998). The public comment period for these proposed "Taxicab Regulations" is extended until September 15, 1998.

9/21/98

Date

B. Palacios

BERNADITA T. PALACIOS, Acting Sec'y
Department of Commerce

NUTISIAN PUPBLIKU PARA MA EXTENDI I TIEMPUN KOMENTUN PUPBLIKU GI AMENDASION REGULASION I "TAXICAB REGULATIONS" GI DIPATAMENTON I COMMERCE

I Sekretariu i Dipatamenton i Commerce gi Commonwealth of the Northern Mariana Islands ("CNMI"), ha propoposa amendasion para i Regulasion i "Taxicab Regulations" gi Commonwealth Register, vol. 20, no. 6, gi 15917-21 (Juniu 15, 1998). I tiempun komentun pupbliku mapropoposa na amendasion "Taxicab Regulations" ma extendi esta Septiembere 15, 1998.

9/21/98

Fecna

B. Palacios

BERNADITA T. PALACIOS, Acting Sec'y
Dipatamenton Commerce

AROGORONGOL TOWLAP REEL EXTENSION-UL TIPEER ME MANGEMANGIIR TOWLAP LLIIWEL MELLLOL OWTUL ALLEGHUL "TAXICAB REGULATIONS" SANGI DIPATAMENTOOL COMMERCE

Direktoodul Dipatamentool Commerce mellol Commonwealth of the Northern Mariana Islands ("CNMI"), sangi nge ebwe ayoora illiiwel mellol owtul "TAXICAB REGULATIONS" i ye llol Commonwealth Register, vol 20, no. 6, me 15917-21 (Juniu 15, 1998). Aramas ye e tipali nge emmwel schagh bwe ebwe ischiitiw meta tipal me mangemangil reel illiiwel kkaal nge raa afanga ngali Sekretariu, Dipatamentool Commerce, P.O. Box 10007, Saipan, MP 96950 mwal Septiembere 15, 1998.

9/21/98

Ral

B. Palacios

BERNADITA T. PALACIOS, Acting Sec'y
Dipatamentool Commerce

**Regulation Regarding Entry
of Non-resident Workers After Issuance of
Authorization for Entry**

*Citation of
Statutory Authority:* The Secretary is authorized to promulgate this modification of
a regulation pursuant to 3 CMC Section 4424 (a)(1) and (6).

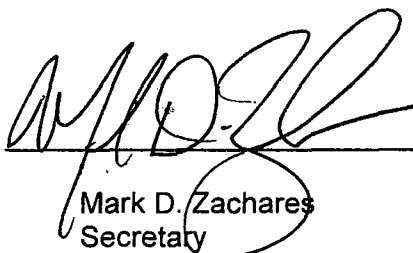
*Short Statement of
Goals and Objectives:* To allow more flexibility for employers and employees in
timing the entry of non-resident workers into the CNMI.

*Brief Summary
of the Rules:* If an employee fails to enter the CNMI within 90 days from the
date of issuance of the authorization of entry, an additional 90
days can be granted if certain criteria are met.

*For Further
Information, Contact:* Gil San Nicolas, Director of Labor
Telephone: 670-664-2021
Facsimile: 670-664-3153

*Citation of Affected
Rules and Regulations:* The Alien Labor Rules and Regulations, Vol. 10, No. 4,
Section II (D) (7) Commonwealth Register, April 15, 1988, as
amended.

Submitted by:



Mark D. Zachares
Secretary

10/6/98

Date

**NOTICE OF EMERGENCY REGULATION REGARDING
ENTRY OF NON-RESIDENT WORKERS AFTER
ISSUANCE OF AUTHORIZATION OF ENTRY
AND NOTICE OF INTENTION TO ADOPT AMENDMENT TO
EXISTING ALIEN LABOR RULES AND REGULATIONS**

EMERGENCY: The Secretary of Labor and Immigration finds that given the combination of the economic situation in the Commonwealth and the imposition of the moratorium on bringing additional non-resident workers into the CNMI, this amendment to the existing Alien Labor Rules and Regulations is required to maximize flexibility for employers and employees. The Secretary further finds that the public interest requires adoption of these regulations immediately upon the concurrence of the Governor. Once approved, the Emergency Regulation shall remain in effect as long as the provisions of the Nonresident Workers Act, 3 CMC Section 4411, et. seq. remain in effect.

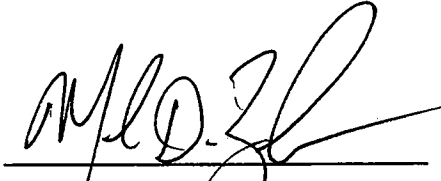
REASON FOR THE EMERGENCY: Employers need additional flexibility to bring in workers given the economic climate in the CNMI. In addition, the bar to entry after 90 days from date of issuance of the authorization for entry magnifies and creates an unintended effect of the moratorium law (Public Law 11 - 6). Finally, this modification of the regulation is fairer to workers who have detrimentally relied on the initial signing of contract and who were not able to enter the CNMI within 90 days from the date of issuance of the authorization of entry.

CONTENTS: If an employee fails to enter the CNMI within 90 days from the date of issuance of the authorization of entry, an additional 90 days can be granted if certain criteria are met.

INTENT TO ADOPT: The Secretary intends to adopt this amendment to the existing rules and regulations as a permanent regulation pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Copies on the content of the regulations may be sent to: Secretary, Department of Labor and Immigration, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

AUTHORITY: The Secretary is authorized to promulgate this modification of a regulation pursuant to 3 CMC Section 4424 (a)(1) and (6).

Issued by:

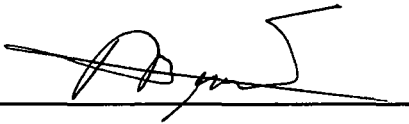


Mark Zachares
Secretary, Department of
Labor and Immigration

10/6/98

Date

Concurred by:




Pedro P. Tenorio
Governor

10/7/98

Date

Received by:



Donna Cruz
Office of the Governor

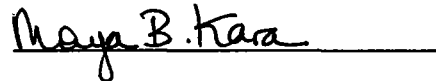
10/7/98

Date

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the modification of the regulation attached hereto has been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

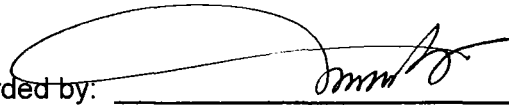
Dated this 7th ~~day of September~~ ^{October}, 1998.

Maya B. Kara
Acting Attorney General



Elliott A. Sattler
Assistant Attorney General

Filed and Recorded by:



Soledad B. Sasamoto
Registrar of Corporations

10/13/98

Date

REGULATION

7. If a non-resident worker fails to enter the Commonwealth after ninety (90) days from the date of issuance of the authorization for entry, the authorization for entry shall be voidable by the Secretary of Labor and Immigration.

If after ninety (90) days from the date of issuance of the authorization for entry but less than one hundred and eighty (180) days from the date of issuance, the employee has not yet entered the Commonwealth, the employer may petition the Secretary of Labor and Immigration for permission to enter. This petition shall include an updated police clearance, an updated health certification, and a \$ 100 late fee, and will be granted at the discretion of the Secretary.

Under no circumstances will a non-resident worker be permitted entry into the Commonwealth after one hundred and eighty (180) days from the date of issuance of the authorization for entry.

**Alléghúl Entry Reel Non-resident Workers Mwiril Towowul
Authorizationul Entry**

Kkapsal Autol

Bwángil:

Eyoor bwángil Sekereteri ebwe atóewoló modification reel allégh sáangi autol álleewal 3 CMC Tálil 4424(a)(1) me (6).

Weimwoshol Autol

Yaal Goals

me Objectives: Ebwe ayoora maas flexibility ngáliir employers me employees reel ebwe aghatchú umwuumwul non-resident workers ikka rebwe toolong llól CNMI.

Eghus Tapatal

Reel Pomwol Allégh:

Ngare employee eseto ebwe toolong llól CNMI llól tiweigh(90) rál sáangi rál la e toowow authorizationul entry. Iwe ebwal yoor schagh tiweigh(90) rál ngare e fis akkáaw yaal criteria.

Ngare Eyoor Ayegh

Ffaingi:

Gil San Nicolas, Direktodul Labor

Telefon: 670-664-2021

Facsimile: 670-664-3153

Kkapsal Kka

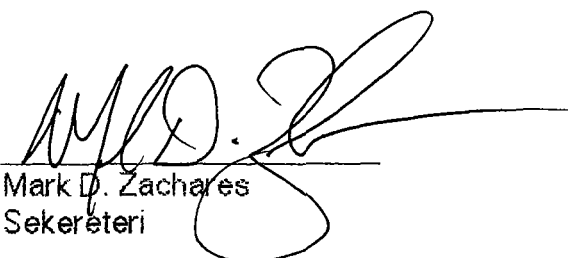
Eweewe me / ngare

Afektay Allégh me

Aktaléel:

Alléghúl Alien Labor, Vol: 10, No. 4, Tálil II (D) (7) Commonwealth Register, Séetá(April) 15, 1988, igha a lliiwel.

Mereel:


Mark D. Zachares
Sekereteri

Rál: 10/15/98

**ARONGORONG REEL ALLÉGHÚL EMERGENCY BWELLE REEL
ATOTOLONGOL NON-RESIDENT WORKERS MWIRIL TOWOWUL
AUTHORIZATIONUL ENTRY ME ARONGORONG REEL INTENTIONUL
ADOPTIONUL LLIWEL, NGÁLI META KKA EYOOR IYEEY REEL
ALLÉGHÚL ALIEN LABOR**

Emergency: Sekereteril Bwulasiyol Labor me Immigration e schuungi bwe meta elo bwe schu reel mwóghútúghúl mille economic mellól Commonwealth me impositionul moratorium reel igha ebwe umwuumwelong akkááschey non-resident ikka rebwe angaang llól CNMI, lliiwel kkaal ngáli meta kka ayoor iyeeey reel Alléghúl Alien Labor nge efil ebwe allanga flexibility employers me emplyaw. Sekereteri ebwal schuungi bwe meta kka tipeer aramas toulap nge ila mille efil ebwe kkáyil adoptaaló allégh kkaal ngare schagh a appelúghúló mereel Sów Lemelem. Ngare schagh a appelúghúló, Alléghúl Emergency ebwe efektiibwo ló schagh meigha provision yeel reel Non-Resident Workers Act, 3 CMC Tálil 4411, et. seq. ekke efektiibwo schagh.

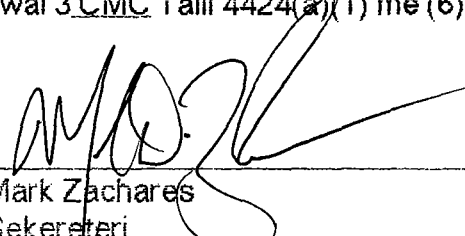
Bwulúl Meta Ebwe Emergency Reel: Efil bwe employer ebwe ayoor flexibility reel ebwe umwuumwulong schóól angaang bwelle reel mwóghútúghútúl economic mellól CNMI. Bwal, rel akkayúúlóól atotolong mwiril tiweigh(90) rál sáangi rál la etowow authorizationul atotolong me egha e magnifies li me e féerútá unintended effect reel alléghúl moratorium(Alléghúl Toulap 11-6). Iwe reel aighúúghúl, nge modificationul allégh nge ebwe ppagh ngáliir schóól angaang kka re angokkow wóól yaal initial signingil contract me iyo kka resemmwel rebwe toolong llól CNMI llól tiweigh(90) rál sáangi rál la e toowow authorizationul entry.

Autol: Ngare schóól angaang(employee) eseto ebwe toolong llól CNMI llól tiweigh(90) rál sáangi rál la e toowow authorizationul entry. Iwe ebwal yoor schagh tiweigh(90) rál ngare ese fis akkááw criteria.

Efil ebwe adopt: Sekereteri e tipeli ebwe adoptááli lliiwel kkaal reel allégh kka eyoor iyeeey reel ebwe petmanentiló sáangi autol aileewal 1 CMC Tálil 9104(a)(1) me (2), me ebwe póblikalong Commonwealth Register arong yeel bwelle reel opportunitiil isisilongol mángemáng. Ngare efil,iwe ebwe yoor hearing. Kopyai autol allégh kkaal nge ebwe akkafang ngáli : Sekereteri, Bwulasiyol Labor me Immigration, Caller Box 10007, Capitol Hill, Seipél, MP, 96950.

Bwángil: Eyoor bwángil Sekereteri ebwe atéeweló modification reel allégh sáangi autol aileewal 3 CMC Tálil 4424(a)(1) me (6).

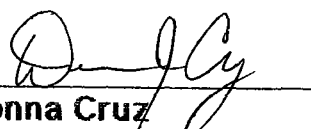
Mereel :


Mark Zachares
Sekereteri
Bwulasiyol Labor me Immigration

Rál : 10/15/98

Appelúghúyal: 
Pedro P. Tenorio
Sów Lemelem

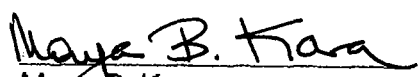
Rál: 10/7/98


Bwughiyal: 
Donna Cruz
Bwulasiyol Sów Lemelem

Rál: 10/7/98

Mereel 1 CMC § 2153 igha a lliiwel sáangi autol aileewal Alléghúl Toulap 10-50, modification reel allégh kkaal ikka e appasch nge atakkal amweri me alúghúlúgh sáangi Bwulasiyol CNMI Attorney General.

Rál ye 10/16/98 llól maram ye Sarobwel(October), 1998.


Maya B. Kara
Acting Attorney General

Isáliyal me rekodiyal: 
Soledad B. Sasamoto
Registrar of Corporations

Rál: 10/15/98

REGULACION PUT ENTRADA PARA I
NON-RESIDENT WORKERS DESPUES DI MALAKNOS I
ATURIDAT PARA ENTRADA

Sinangan sigun
Aturidat i Lai

I Sekretariu ma aturisa para u cho'gue este na modifikasion para regulasion sigun gi sinangan 3 CMC Seksion 4424(a)(1) yan (6).

Didide na emfotmasion
put i minito' yan
obyektibu

Para u sedi mas chansa para i manepileha yan empleao siha para u mana'guana tiempo put entrada para i non-resident workers halom gi CNMI.

Kadada na sinangan

put i Areklamento: Yanggen i empleao toi humalom gi CNMI 90 ndias despues di i fecha ni malaknos i aturidat entrada, pues tieniki guaha otro 90 dias yanggen guaha otro siha na kondision pat manera.

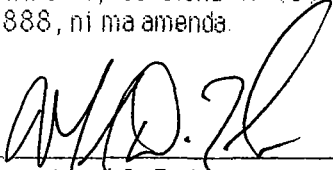
Put mas emfotmasion

A'agang si: Gil San Nicolas, Direktot Honalero
Numirun Tilifon: 670-664-2021
Facsmile: 670-664-3153

Sinangan put i
manparehu yan/pat
maninafekta siha na
Regulasion gi Lai yan

Otden siha: I Regulasion yan Areklamento put Honalero siha ginen hiyong, Baluma 10, Numiru 4, Seksiona II (D) (7) Rehistran Commonwealth, Abrit 15, 19888, ni na amenda.

Ma satmiti as.


Mark D. Zachares
Sekretariu

10/15/98
Fecha

NUTISIA PUT GOTPE NA NISISIDAT REGULASION PUT MANHALOM NON-RESIDENT WORKERS DESPUES DI MALAKNOS I ATURIDAT PARA ENTRADA YAN NUTISIAN INTENSION PARA U MA ADAPTA I MANEDASION SIHA GI MAMPRIENTI NA REGULASION YAN AREKLAMENTO PUT HOTNALEROS TAOTAO HIYONG.

GOTPE NA NISISIDAT: I Sekretariun Hotnaleru yan Imigrasion ha sodda' na put dinanña yan ekunumia na situasion gi halom i Commonwealth yna ma impostan este i mana para ñaihon muna' halom adisionat siha na non-resident workers ma giya CNMI, este na amendasion para i priseniti na Regulasion yan Areklamenton Taotao hiyong siha na hotnaleros nisisariu para u manla'libianu siha i taotao manemplea tanto i empleo siha. Lokuae' i Sekretariu ha sodda' para minalek i pupbliku este na u ma adapta este siha regulasion ensigidas gigun konfotme i gubetno. Gigun ma omneba, i Gotpe na Nisisdat Regulasion u efektibu maseha kuantos tiempo i prubunsion para i Non-Resident Workers Art. 3 (1)C Seksiona 4411 et. seq. efektibu.

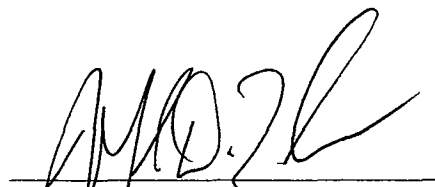
RASON PUT GOTPE NA NISISIDAT: i manman empelela nisisariu para u fanggai mas fleksibilidad para u fangonne magi taota cho'cho' sigun gi kliman ekunumia gi CNMI. Lokuae', i mana para man gone 90 dias desde i fecha ni malaknos i petmison aturidat para entrada hana mas ancho yan na'guaha i ti manan intension siha na afektasion gi manan paran-ñaihon sigun gi lai (Publiku 11-6). Potlos uttimu este na modifikasion i regulasion mas maolek para i taotao cho'cho' ni ma dipendi detrimentally gi primet na mafitman kontrata ti siña manahalom giya CNMI gi halo 90 dias desde i fecha ni malaknos i aturidat para entrada

SUHETU SIHA: Yanggen i empleo ti siña humalom gi CNMI 90 dias desde i fecha ni malaknos i aturidat para entrada, yan aoment 90 dias ni mana'e siña ha mana'e' mas otro siha na kondison pat amenna para u siña.

INTENSION PARA MA ADAPTA: I Sekretariu ha intensiona para u adapta este siha amendasion para mampriseniti siha Regulasion yan Areklamento komu petmanente na regulasion sigun gi sinangan i CMC Seksiona 9104(a)(1) yan (2), yan mapupblika gi Rehistran Commonwealth este na Nutisia para optunidad ti taotao para ufana'halom komento. Yanggen nisisariu, u mana guaha inekungok. Para hayi malago gai kopia ni este siha na regulasion siña ha matuge' guatu i: Sekretariun, Dipatamenton Hotnaleru yan Imigrasion, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

ATURIDAT: I Sekretariu ma aturisa para u cho'gue este siha na modifikasion regulasion sigun gi sinangan 3 (1)C Seksiona 4424 (a) (1) yan (6).

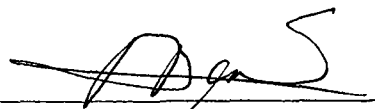
Linaknos as



Mark Zachares
Sekretariu, Dipatamenton
Hotnaleru yan Imigrasion

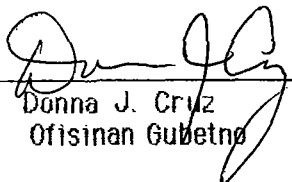
10/15/98
Fecha

Inakomutma as:


Pedro P. Tenorio
Guberno

10/7/98
Fecha

Rinisibi as:


Donna J. Cruz
Ofisinan Guberno

10/7/98
Fecha

Sigun gi 1 CMC Seksiona 2153 ni inamenda ni Lai Publiku 10-50, i modifikasion para regulasion ni checheton guine esta manma ribisa yan apreba komu ligat na fotma ya suficiente ni Ofisinan CNMI Attorney General.

Ma fecha gi mina' _____ na dia Oktubre, 1998

Maya B. Kara
Acting Attorney General

Maya B. Kara

Ma file yan kekot as:


Soledad B. Sasamoto
Rehistradoran Kotporasion

10/15/98
Fecha



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PUBLIC NOTICE

PROPOSED RULES AND REGULATIONS GOVERNING THE HEALTH, SAFETY, AND SANITATION OF THE CNMI

The Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC §2605 and 3 CMC §2121-§2126 to maintain and improve health conditions and protect the sanitation of the CNMI, proposes these Rules and Regulations governing the Health, Safety, and Sanitation of the CNMI, and currently Chapter 3 of those Rules and Regulations governing the Screening of Food Handlers.

It is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedures Act, specifically 1 CMC §9104, in proposing these Rules and Regulations. Copies of the proposed Rules and Regulations may be obtained from the Office of the Secretary of Public Health located on the ground floor of the Commonwealth Health Center. Comments on the proposed Rules and Regulations may be sent to the Office of the Secretary of Public Health, Department of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.

Certified By: *Joseph K.P. Villagomez*
JOSEPH K.P. VILLAGOMEZ
Secretary
Department of Public Health

8/31/98
Date


Certification By Office of the Attorney General:

Pursuant to 1 CMC §2153 as amended by PL 10-50, the proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.

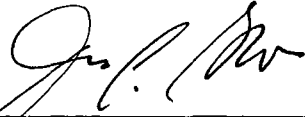
for
Maya Kara
MAYA KARA
Acting Attorney General

10/13/98
Date

Public Health

Filed By: 
SOLEDAD B. SASAMOTO
Registrar of Corporations

10/15/98
Date

Received by: 
JOSE I. DELEON GUERRERO
Special Assistant for Admin.

10/14/95
Date



Commonwealth I Sangkattan Siha na Islas Marianas Dipatementon Hinemlo' Pupbliku

Ofisian I Sekretaru

NUTISAN PUPBLIKU

MAPROPONEN AREKLAMENTO YAN REGULASION SIHA PARA U GOBIETNA I HINEMLO', SAFU, YAN GINASGAS I CNMI

I Sekretariun i Dipatementon Hinemlo' Pupbliku i Commonwealth i Sangkattan siha na Islas Marianas, sigun gi aturidat ni mana'e gue' ginen 1 CMC §2121-§2126 para u susteni yan adelanta i kondision hinemlo' yan protehe ginassgas gi halom CNMI, ha propopone este siha na Areklamento yan Regulasion ni para u gobietna i Hinemlo', Safu, yan Ginassgas giya CNMI, yan gi presentu i Kapitulu 3 gi ayu siha na Areklamento yan Regulasion ni para u gobietna lökkue i magef atan i Food Handlers (Manmama'titinas Nenkanno').

I intensiun i Dipatementon Hinemlo' Pupbliku para u akonfotma i nisisidat siha sigun gi Akton Dinrihen Atministrasion (Administration Procedures Act), espesiatmente 1 CMC §9104, ni mapropopone siha na Areklamento yan Regulasion guaha gi Ofisinan i Sekretariun Hinemlo' Pupbliku, ni gaige gi primet bibenda giya Commonwealth Health Center. Komento put i manmapropopone siha na Areklamento yan Regulasion siña ha manmatuge' papa ya u manahanao guato para i Ofisinan i Sekretariun Hinemlo' Pupbliku, Dipatementon Hinemlo' Pupbliku, P.O. Box 409 CK, Saipan, MP 96950. Todu i komento siha debi di ufan marisibi gi halom trenta (30) dias desde malaknos este na nutisia gi Rehistran Commonwealth.

Sinettifika as: Joseph K. Villagomez
JOSEPH KEVIN P. VILLAGOMEZ
Sekretaru, Dipatementon Hinemlo' Pupbliku

9/3/98
FECHA

Settifikasion ginen I Ofisinan I Abugadun Hinerat:

Sigun gi 1 CMC §2153 ni inamenda nui i Lai Pupbliku 10-50, i mapropopone siha na amendasion gi Areklamento yan Regulasion ni chechetton guine, esta manma inan maolek yan apreba para u fotma ligat yan suficiente ginen i Ofisinan i Abugadun Hinerat giya CNMI.

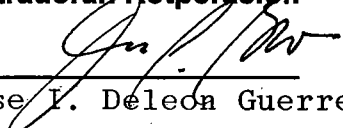
ELLIOTT A. SATTLER

MAYA KARA
Kuantan Abugadun Hinerat

FECHA

Ma file as: 
SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

10/15/98
FECHA

Rinisibi as: 
Jose Y. Deleon Guerrero

10/14/91
FECHA

**Rules and Regulations Governing the Health,
Safety, and Sanitation of the CNMI**

Citation of Statutory Authority: 1 CMC §2605 (a), (b), (c), (d), (h), (j), (i), (k), (q), (r), (s), (w), and (x) set forth those matters in the areas of health and sanitation over which the Department of Public Health has jurisdiction to promulgate rules and regulations. 3 CMC §2121 – §2126 similarly authorize the Department of Public Health to promulgate rules and regulations to maintain the sanitation of the CNMI.

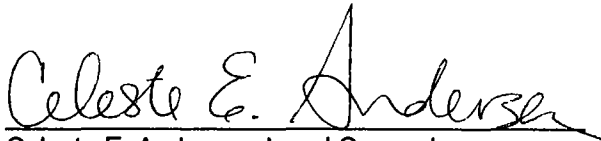
Short Statement of Goals & Objectives: Once the complete body of the Rules and Regulations is finalized, they will establish procedures and protocols for the operation of the Bureau of Environmental Health (formerly known as the Sanitation Office). The Chapter on Screening of Food Handlers, being promulgated here, establishes the process for testing food handlers to ensure that they are free from communicable diseases that can be passed on through the handling, processing, and service of food to the public. Food handlers found free of communicable disease will be issued a certificate indicating that they are fit to work in a food establishment. The Branch of Environmental health will monitor the issuance of food handler certificates to ensure compliance.

Brief Summary of the Proposed Rule: To establish requirements for food handlers to undergo a physical examination and various laboratory tests for pathogens that can be transmitted during the handling, processing, and serving of food prior to commencing work in the CNMI and then yearly thereafter. Food handlers found free from communicable disease will be issued a food handlers certificate. Those food handlers found to be infected with pathogens will be required to obtain medical treatment and to submit to re-testing to verify a clean bill of health before the food handler certificates are issued. The Branch of Environmental Health will be responsible for ensuring compliance with these Rules and Regulations.

Contact Person(s): Dr. Jon Bruss, Medical Director, Division of Public Health.

Citation of Related and/or Affected Statutes, Regulations, and Orders: See citations listed above.

Date: 9/4/98


Celeste E. Andersen, Legal Counsel
Department of Public Health

4 1

**RULES AND REGULATIONS GOVERNING
HEALTH, SAFETY, AND SANITATION OF THE CNMI**

GENERAL PROVISIONS

- CHAPTER 1: FOOD AND DRINKING ESTABLISHMENTS**
- CHAPTER 2: FOOD RETAIL/WHOLESALE ESTABLISHMENTS**
- CHAPTER 3: SCREENING OF FOOD HANDLERS**
- CHAPTER 4: MANUFACTURING, STORAGE, HANDLING OF FOOD**
- CHAPTER 5: BARBOR SHOPS AND BEAUTY SALONS**
- CHAPTER 6: WATER AND ICE MANUFACTURING**
- CHAPTER 7: TATTOO SHOPS**
- CHAPTER 8: MASSAGE PARLORS**
- CHAPTER 9: HEALTH CLINICS**
- CHAPTER 10: SCHOOLS**
- CHAPTER 11: HOTELS, MOTELS, AND APARTMENTS**
- CHAPTER 12: CONTROL OF VECTORS OF DISEASE**
- CHAPTER 13: VESSEL SANITATION**
- CHAPTER 14: CARNIVALS, FAIRS, AND**
- CHAPTER 15: LAUNDRY AND DRY CLEANING ESTABLISHMENTS**
- CHAPTER 16: TOILETS AND PIT LATRINES**
- CHAPTER 17: BARRACKS AND EMPLOYEE HOUSING**
- CHAPTER 18: FOOD TRANSPORTATION**
- CHAPTER 19: SOLID WASTE CONTROL**
- CHAPTER 20: CEMETERIES AND MORTUARIES**
- CHAPTER 21: SWIMMING POOLS**
- CHAPTER 22: LIVESTOCK AND POULTRY**
- CHAPTER 23: SALES OF COSMETICS AND DEVICES**

GENERAL PROVISIONS

I. PURPOSE AND FINDINGS

The Division of Public Health, Department of Public Health is promulgating these Rules and Regulations in accordance with the provisions of 1 CMC §2605 and 3 CMC §2123. The purpose of these Rules and Regulations is to establish procedures and protocols for the operation of the Bureau of Environmental Health. In particular it provides for health and sanitation standards for businesses handling food for human consumption; health and hygiene standards for clinics, beauty salons, massage parlors and other establishments; safety and sanitation standards for high density living environments such as hotels and apartments; and control of vector of disease. By promulgating these Rules and Regulations the Division of Public Health intends to establish minimum health standards to protect the life, health, safety, and welfare of the general public in the CNMI.

The Division of Public Health is concerned about the transmission of communicable diseases in the CNMI, which already has high rates of illnesses such as Salmonella, Shigella, Campylobacter, food poisoning, and Tuberculosis. Unclean business establishments, unclean living conditions and overcrowding, infected food handlers, and uncontrolled vectors of disease all potentially spread these illnesses in the community. The Division of Public Health has found that infected people who show little outward appearance of being ill transmit many of these diseases. As a result, a wide range of food-borne infections and other communicable diseases may be unknowingly transmitted to customers and the general public. The Division of Public Health has thus concluded that an effective means of controlling the spread of specific diseases is to monitor business establishments and living environments and screen likely carriers of these diseases annually.

II. DEFINITIONS

As used throughout these Rules and Regulations, the following terms shall have the meanings set forth below:

2.1 Adequate means the Secretary's determination that a recommended action will sufficiently fulfill the requirements for a proposed objective.

2.2 Communicable Disease means a disease caused by an infectious agent or the toxic product of an infectious agent and which can be transmitted directly or indirectly from one individual to another.

2.3 Department means the Department of Public Health, a department within the Executive Branch of the CNMI Government.

2.4 Division means the Division of Public Health, a division within the Department of Public Health.

2.5 Duly Authorized Representative means the Deputy Secretary for Public Health Administration, the Medical Director of Public Health, the Environmental Health Officer, or Environmental Health Inspector, as appointed by the Secretary.

2.6 Employer means any individual, partnership, association, corporation, or other entity which hires, employs, or otherwise engages for compensation any individual to perform services or labor within the Commonwealth, including any branch, agency, or instrumentality of the Commonwealth, but does not include the United States government.

2.7 Person-In-Charge means the individual present in a place of employment who is the apparent supervisor of the business establishment and of the Food Handlers at the time of inspection, or in the event no designated supervisor is present, then any employee working at the place of employment.

2.8 Physical Examination means a medical examination performed by a Physician.

2.9 Physician means a CNMI licensed physician.

2.10 Secretary means the Secretary of the Department of Public Health.

CHAPTER I
FOOD AND DRINKING ESTABLISHMENTS

<RESERVED>

CHAPTER II
FOOD RETAIL/WHOLESALE ESTABLISHMENTS

<RESERVED>

CHAPTER III

SCREENING OF FOOD HANDLERS

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I. DEFINITIONS

As used throughout this Chapter, the following terms shall have the meanings set forth below:

1.1 Ameba means clinical or laboratory evidence of an infection caused by the known human intestinal protozoan pathogen *Entamoeba histolytica*.

1.2 Campylobacter means clinical or laboratory evidence of an infection caused by any species of the genus *Campylobacter*.

1.3 Food and Beverage Establishment means a bakery, restaurant, cafeteria, lunchroom, luncheonette, lunch counter, ice cream/soda fountain, soft drink dispenser, bar, tavern, nightclub, karaoke club, liquor/water dispenser, food stand, food store, snack mobile, caterer, kitchen, or any other establishment where food and beverages are prepared, packaged, handled,

cooked, processed or served to the public as part of a service of an institution or for sale.

1.4 Food Handler means any person who prepares, packages, handles, cooks, processes, or serves food or beverages, or uses cooking utensils in a Food and Beverage Establishment.

1.5 Food Handler Certificate means an authorization issued by the Secretary to a Food-handler certifying that the Food-handler has been examined and found to be in good health, and free of specified food-borne diseases as specified in these Rules and Regulations.

1.6 Food Handler Education means a seminar conducted by Environmental Health Services. This training course will cover sanitation, sanitary food preparation, and the transmission of food-borne diseases.

1.7 Giardia means clinical or laboratory evidence of an infection caused by the known human pathogen *Giardia lamblia*.

1.8 Salmonella means clinical or laboratory evidence of an infection caused by any species of the genus *Salmonella*, including *S. typhi*, the cause of typhoid fever.

1.9 Shigella means clinical or laboratory evidence of an infection caused by any species of the genus *Shigella*.

1.10 Tuberculosis means clinical, PPD skin test, laboratory, or radiological evidence of an infection or active disease process caused by *Mycobacterium tuberculosis*.

1.11 Yersinia means clinical or laboratory evidence of an infection caused by any species of the genus *Yersinia*.

II. PHYSICAL EXAMINATION

2.1. Obtaining a Physical Examination. A Physician authorized by the Division will obtain a clinical history and perform a Physical Examination of all Food Handlers prior to commencing employment as a Food Handler in the CNMI and then annually. A record of the Physical Examination shall be completed by the Physician on a Physical Examination form approved by the Division. Annual Physical Examinations for Food Handlers shall be performed at least forty-five (45) days prior to the expiration of the Food Handlers Certificate.

2.2. Filing of Forms. The Physician performing the Physical Examination shall provide the completed Physical Examination form to the Division within forty-five (45) days from the date of the Food Handler's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter.

III. SCREENING FOR COMMUNICABLE DISEASE

All Food Handlers shall be screened for specified food-borne diseases, which not only jeopardize the health and life of the Food Handlers, but also threaten the resident CNMI population and tourists visiting the CNMI. Screenings shall be limited to those food-borne diseases which can be easily tested and monitored, including Tuberculosis, Salmonella, Shigella, Campylobacter, intestinal parasites, and any other communicable disease specified by the Secretary through health advisories as being a potential risk to the CNMI community.

3.1 Procedures for Screening. Concurrent with the performance of the Physical Examination, the Food Handler shall obtain health screening tests for the food-borne diseases specified in these Rules and Regulations, and any others required by the Secretary through health advisories. All chest radiographs required by these Rules and Regulations shall be read by a Physician, or may be sent to the Center for Tuberculosis and Lung Disease at the Commonwealth Health Center for reading.

3.2 Filing of Screening Test Results with the Division. The Food Handler's Physician shall provide the Division with a copy of all screening test results required by this Section 3 and by the Secretary's health advisories within forty-five (45) days from the date of the Food Handler's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter.

3.3 Required Screening Tests for Food-borne diseases. At a minimum, all Food Handlers shall obtain screening tests for the following diseases:

a. Tuberculosis Screening. Every Food Handler shall obtain a single view PA chest radiograph prior to commencing work as a Food Handler in the CNMI, and then annually thereafter. The yearly chest radiograph shall be performed at least forty-five (45) days prior to the renewal of the employment contract, or forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate, whichever date is first.

b. Stool Culture. Every Food Handler shall obtain a stool culture from a CLIA Certified laboratory as part of the initial screening, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the renewal of the employment contract, or forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate, whichever date is first. Food Handlers who have a positive stool culture for Salmonella, Shigella, Yersinia, Campylobacter or any other bacteria considered pathogenic shall be treated and cured by the Food Handler's Physician or referred to the Medical Director of Public Health for appropriate treatment and cure. Failure to provide documentation of cure shall result in non-issuance of the Food Handler Certificate.

c. Stool for Ova and Parasites (O&P). Every Food Handler shall obtain a stool ova and parasite screen from a CLIA Certified laboratory prior to commencing employment as a Food Handler as part of the initial screening, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the renewal of the employment contract, or forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate, whichever date is first. Food Handlers who have a positive stool

O&P for Giardia, Ameba, or any other intestinal parasite shall be treated and cured by the Food Handler's Physician or referred to the Medical Director of Public Health for appropriate treatment and cure. Failure to provide documentation of cure shall result in non-issuance of the Food Handler Certificate.

d. Other Food-borne diseases. All Food Handlers who contract other infectious or food-borne diseases should be seen promptly by a Physician. Any Physician who diagnoses a Food Handler as having a communicable disease shall immediately report the Food Handler to the Division.

IV. FOOD HANDLER EDUCATION

4.1. Obtaining Food Handler Education. After a Food Handler has submitted the Physical Examination form and the screening test results to the Division, the Food Handler shall attend a Food Handler Education seminar scheduled by Bureau of Environmental Health. A record of the Food Handler's attendance at the seminar shall be submitted to the Division. The Food Handler must attend this seminar annually at least forty-five (45) days prior to the expiration of the Food Handlers Certificate.

4.2. Filing of Forms. The Food Handler shall provide a record of attendance to the Division within forty-five (45) days from the date of the initial Food Handler Education seminar prior to commencing employment as a Food Handler in the CNMI, and forty-five (45) days from the date of each annual seminar thereafter.

V. ISSUANCE OF FOOD HANDLER CERTIFICATES

5.1. Food Handler Certificates. Within forty-five (45) working days of receiving the Food Handler's Physical Examination form, all necessary documentation of screening test results, and record of attendance of the Food Handler Education seminar, the Food Handler shall request a Food Handler Certificate from the Division. If the Food Handler has been found to be

physically fit, in good health, and free from communicable diseases covered by these Rules and Regulations, the Secretary shall issue the Food Handler Certificate. The Food Handler Certificate shall be valid for a period of one (1) year from the date of issue.

5.2. Duplicate Food Handler Certificates. Food Handlers who have been issued a valid Food Handler Certificate, but who work in more than one Food and Beverage Establishment owned and operated by the same employer, may request a duplicate Food Handler Certificate(s) to be displayed in the separate Food and Beverage Establishments.

5.3. Suspension of Issuance of Food Handler Certificate for Food Handlers Found to Have A Communicable Disease. Food Handlers who test positive for a communicable disease covered by these Rules and Regulations shall not be issued a Food Handler Certificate unless documentation of cure has been submitted to the Division.

5.4. Cost of Food Handler Certificates. The cost of a Food Handler Certificate shall be Twenty Dollars (\$20.00), payable to the CNMI Treasury upon issuance of the Food Handler Certificate. The Food Handler shall be responsible for the cost of the Certificate.

5.5. Cost of Duplicate Food Handler Certificates. The cost of a duplicate Food Handler Certificate shall be ten dollars (\$10.00) for each additional Food Handler Certificate, payable to the CNMI Treasury. The Food Handler shall be responsible for the cost of all duplicate Certificates.

5.6. Cost of Replacement Food Handler Certificates. In the event of a lost (non-expired) Food Handler Certificate, the Food Handler may request a replacement. The cost of a replacement Food Handler Certificate shall be Twenty Dollars (\$20.00), payable to the CNMI Treasury upon issuance of the Food Handler Certificate. The Food Handler shall be responsible for the cost of the Certificate.

5.7. Employer to Maintain Files. Upon receipt, the Food Handler shall provide the Food Handler Certificate to his or her Employer. The Employer

shall keep Food Handler Certificates for all Food Handlers under his/her employment filed in a location that is easily accessible while maintaining confidentiality. The Employer shall be prepared to show these Food Handler Certificates to a Duly Authorized Representative upon request during an inspection. Food Handler Certificates will only be valid at the Food and Beverage Establishment at which the Food Handler is employed. Food Handler Certificates are not transferable. In the event that a Food Handler is employed to work at more than one Food and Beverage Establishment owned and operated by the same employer, then a duplicate Food Handler Certificate shall be kept on file at each separate Establishment.

VI. DIVISION RECORD KEEPING AND TRACKING MEASURES

6.1. Database Records. The Division shall develop a Food Handler health database. The database shall be used to track all Food Handlers for compliance with the screening requirements established in these Rules and Regulations, and assist the Environmental Health Inspectors in the inspections of food establishments.

6.2. Notice of Noncompliance. If a review of the Division's database indicates that an Food Handler has not been issued a Food Handler Certificate within sixty (60) days from the previous expiration date, Division staff shall send written notice to the Food Handler, with a copy provided to the Employer, of noncompliance with these Rules and Regulations. The Food Handler shall have twenty (20) days from the date of the notice to come into compliance with the requirements of these Rules and Regulations. Failure to respond to the Division's notice shall subject the Food Handler and the Employer to penalties as set forth in Section 10 of these Rules and Regulations. This Section 7.2 shall not apply to those Food Handlers who have not been issued Food Handler Certificates because they are undergoing treatment for a communicable disease, and who remain fully compliant with the Division's prescribed treatment regimen for the duration of treatment. Food Handlers undergoing treatment shall be issued a letter by the Division setting forth the date treatment is anticipated to be completed and when a Food Handler Certificate can be issued.

6.3. Inspections by Duly Authorized Representatives. From time to time, a Duly Authorized Representative of the Department may inspect an Employer's place of employment, as provided in 3 CMC §2123. Upon request by the Duly Authorized Representative, the Employer or Person-In-Charge shall grant the Duly Authorized Representative access to the Food Handlers' Certificates. Any Food Handler who does not have a valid Food Handler Certificate in his or her employment file shall be reported to the Division.

VII. FOOD HANDLERS WITH POSITIVE TEST RESULTS

7.1. Handling of Food Handlers with Positive Test Results. If a Food Handler is found to have a communicable disease covered by these Rules and Regulations, the Division shall establish a treatment regimen for the Food Handler to the extent treatment is available within the CNMI. The Division shall prepare a written advisory to the Employer instructing that such Food Handler be immediately prevented from any activity involving the preparation, handling, cooking, or serving of food and beverages until the Division has determined that the Food Handler has been cured and issued a Food Handler Certificate. If said Food Handler is terminated from employment, the Division shall bare no responsibility for the financial costs or liability for the termination. The Division shall handle positive test results as follows:

a. Pathogenic Bacteria. Food Handlers found to have pathogenic bacteria, including Salmonella, Shigella, Yersinia, Campylobacter, and Vibrio in the stool shall be required to comply with the Division's recommendation for treating and eradicating such pathogens. The Food Handler must show proof of eradication of carriage of stool pathogens by means of subsequent stool culture after treatment before the Division issues a Food Handler Certificate.

b. Stool Parasites. Food Handlers found to have stool parasites, including Ameba, Giardia, round worms, tapeworms, or any other intestinal parasite, shall be required to comply with the Division's recommendation for treating and eradicating such parasites. The Food Handler

must show proof of eradication of carriage of parasites by means of subsequent stool culture after treatment before the Division issues a Food Handler Certificate.

c. Tuberculosis. Food Handlers found to have active Tuberculosis shall be required to comply with the Center for Tuberculosis and Lung Disease protocol for treating active Tuberculosis. Food Handlers who have an abnormal chest radiograph suspicious of tuberculosis shall be referred to the Center for Tuberculosis and Lung Disease for further evaluation and treatment as needed. The Food Handler shall be required to cooperate with any Tuberculosis therapy prescribed by the Center for Tuberculosis and Lung Disease. The Employer of any Food Handler diagnosed with active Tuberculosis shall be notified.

7.2. Procedure when Infection Is Suspected. When the Secretary has probable cause to suspect disease transmission by an Food Handler, the Secretary may require a medical history, Physical Examination, and any necessary screening tests required to determine whether the suspected Food Handler has a communicable disease. If the Food Handler is confirmed to have a communicable disease, the Secretary may require any or all of the following measures:

a. Restriction of the Food Handler's services to an area of the establishment where there would be no danger of him or her transmitting the disease;

b. Physical Examinations and health screening tests of other employees working in the same establishment as the Food Handler;

c. The immediate exclusion of the Food Handler from employment until such time that the Food Handler is considered non-communicable;

d. The immediate closing of the place of employment concerned until, in the opinion of the Secretary, no further danger of disease outbreak exists;

e. Confinement of the Food Handler in the Commonwealth Health Center or the Food Handler's place of residence until such time that the Food Handler is considered non-communicable;

f. If applicable, referral of the Food Handler to the Department of Labor and Immigration for immediate deportation back to his or her country of origin.

VIII. APPLICATION OF THESE RULES AND REGULATIONS TO FOOD HANDLERS CURRENTLY WORKING IN THE CNMI

Upon the effective date of these Rules and Regulations, all Food Handlers currently working in the CNMI shall have ninety (90) days to obtain a Food Handler Certificate in order to be in compliance with the requirements of these Rules and Regulations. Those Food Handlers who have already had a Physical Examination in the CNMI, have completed a Food Handler Education seminar within the prior six (6) months, and/or screening tests within the prior three (3) months as required by these Rules and Regulations shall not be required to obtain new ones. The Food Handler shall be required to bring the results of the Physical Examination, documentation of completion of the Food Handler Education seminar and/or screening test results to the Division for entry into the database and for issuance of the Food Handler Certificate.

IX. PENALTIES FOR VIOLATIONS OF THESE RULES AND REGULATIONS

9.1. Penalties for Food Handlers. Food Handlers who are found to be in violation of these Rules and Regulations shall be reported to the Division and recommended for restriction from food handling activities and shall be subject to the following penalties:

a) For first time violations, the Food Handler shall receive a warning letter from the Division setting forth a date of compliance for obtaining a Food Handler Certificate;

b) For repeat violations, the Food Handler shall be subject to a fine of up to \$500.00, as provided in 3 CMC §2126.

9.2. Penalties for Employers. An Employer found to be employing a Food Handler who has not been issued a Food Handler Certificate by the Secretary and is not undergoing treatment at the Division, or an Employer otherwise violating the provisions of these Rules and Regulations shall be subject to the following penalties:

a) For first time violations, the Employer shall receive a warning letter from the Division setting forth a compliance date for obtaining a Food Handler Certificate for the Food Handlers who have not obtained Physical Examinations and screening tests;

b) For repeat violations, the Employer shall be subject to a fine of up to \$500.00 for each Food Handler who does not have a valid Food Handler Certificate and is not undergoing treatment at the Division, as provided in 3 CMC §2126.

9.3. Penalties for Other Violations. Any person found by the Department to have obtained a Food Handler Certificate by fraudulent means; forged or altered information on a Physical Examination form or screening test; refused or failed to comply with any order issued by the Secretary or Duly Authorized Representative pursuant to these Rules and Regulations, or violated these Rules and Regulations in any other manner, shall be liable for a civil penalty of up to \$1,000.00 for each violation of the Rules and Regulations.



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

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

BOARD OF PROFESSIONAL LICENSING

Statutory Authority

The Board of Professional Licensing promulgated these proposed amendments pursuant to the powers granted it by Section 3105 of 4 CMC, Div. 3 (P.L. 1-8 and 4-53).

Statement of Goals and Objectives:

The intent of the amendments is to update and comply with the applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, federal regulations, as well as to protect the interest of land owners, financial institutions and appraisers in the CNMI.

Brief Summary of the Proposed Amendments:

The proposed amendments is to update the regulations with the revisions as adopted by the Appraiser Qualifications Board specifically the increase of qualifying education hours required, the addition of the appraiser trainee classification, the number of experience hours required annually, the increase of continuing education hours required for renewal, and new definitions included.

For further information contact:

Florence Sablan Bocago, Board Administrator at 234/5897, 235-5898 or fax 234-6040.



**BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands**

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

RECEIVED

Office of the Attorney General
Civil Division

Date: 9/13/98
Time: 2:15 pm
Rec'd by: [Signature]

**NOTICE OF PROPOSED AMENDMENTS TO THE
REGULATIONS FOR REAL ESTATE APPRAISERS**

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend its Regulations for Real Estate Appraisers. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing office, 2nd Floor of ICC Building, Gualo Rai.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 10th day of September, 1998.

[Signature]
Manuel M. Pangelinan
Chairman

FILED BY: [Signature]
Soledad B. Sasamoto
Registrar of Corporations

10/15/98
Date _____ Time _____

RECEIVED BY: [Signature]
Jose I. Deleon Guerrero
Special Assistant for Admin.

10/15/98
Date _____ Time _____

Pursuant to 1 CMC §2153 as amended by P.L. 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Officer.

Dated this 13th day of Oct, 1998.

Maya B. Kara
Attorney General (Acting)

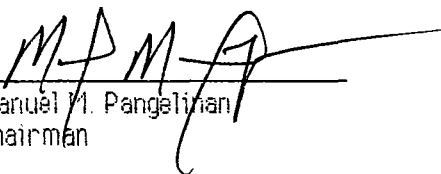
BY: [Signature]
Assistant Atty. General
Elliott A. Sattler

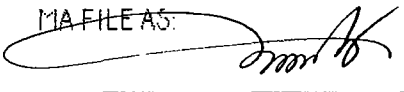
NUTISIA PUT I MAPROPOPONE NA AMENDASION GI REGULASION
REAL ESTATE APPRAISERS

I Board of Professional Licensing ginen este manana'e nutisia i publiku henerat na ha propopone para u amenda i Regulasion para Real Estate Appraisers. I maninteresao siha na petsona sifa manmañule kopian este siha na amendasion gi Ofisinan Board of Professional Licensing, gaige gi mina' dos bibenda ICC Building giya Gualo Rai.

Hayi siha maninteresao mana'halom komento put i manmapropopone siha na amendasion sifa ha ha macho'gue gi tingige' ya u matsatmiti halom trenta (30) dias despues di mapublika huyong este na nutisia gi Rehistran Commonwealth.


Ma fecha gi mina' 10 na dia guine na mes Septembre, 1998.


Manuel M. Pangelitan
Chairman

MA FILE AS:


Soledad B. Sasamoto
Rehistradoran Kotporasion

10/15/98
Fecha Ora

RINSIBI AS:


JOSE L. DELEON GUERRERO
Spcial Assistant for Admin.

10/15/98
Fecha Ora

Sigun gi 1 CMC §2153 ni inamenda ni Lai Publiku 10-50 i areklamento yan regulasion ni chechetton guine esta manmainan maolek yan apreba i fotma komu liga yan suficiente ni Ofisialis Attorney General guine gi CNMI.

Ma fecha gi mina' 10th guine na mes Oct., 1998.

Maya B. Kara
Attorney General (Acting)


Ginen: ELLIOTT A. SATTLER
Assistant Attorney General
Elliott A. Sattler


**ARONGORONG REEL POMWOL LIIWEL REEL ALLEGHUL
MILLE REAL ESTATE APPRAISER**

Boardul Professional Licensing sángi milleel ekke arongaar aramas toulap bwe ekke pomwoli ebwe yoor lliiwel mellól autol Alléghúl mille Real Estate Appraiser. Iyo ye ebwe yoor yaal kopiya reel pomwol lliiwel kkaal nge ebwe bweibwogh mereel Bwulasiyol Boardul Professional Licensing, 2nd floor reel ICC Building Gualo Rai.


Iyo ye e tipeli ebwe isisilong yaal ayegh ngare mángemáng ebwe féerú schagh nge ebwe llól eliigh(30) rál sángi tolongol arong yeel llól Commonwealth Register.

Rál ye 10 llól maramal Septembre, 1998.


Manuel M. Pangelinan
Chairman

Isáliyál : 
Soledad B. Sasamoto
Registrar of Corporations

10/15/98
Rál Otol

Bwughiyál : 
Jose I. DeLeon Guerrero
Ministro Sóy Lemalem

10/15/98
Rál Otol

Sángi 1 CMC 2153 iye a lliiwel ló sángi Alléghúl Toulap 10 - 50, allégh kkaal nge a takkal amweri sefááli me appelúghúló mereel Bwulasiyol CNMI Attorney General.

Rál ye 12th llól maramal October, 1998

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REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL PROPERTY APPRAISERS

PART I. GENERAL PROVISIONS

- 1.1 PURPOSE.** The purpose of these regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal regulations, as well as to protect the interests of land owners, financial institutions, appraisers and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI or NMI").
- 1.2 INTENT AND EFFECT.** **The receipt of a license or certificate from the CNMI Board of Professional Licensing does not permit a person to engage in business in the CNMI until such person has complied with any and all applicable laws, rules and regulations and secured all necessary licenses and permits for conducting business in the NMI.** It is the intent of these regulations to ensure high standards of professional competence for real **property** 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 **property** appraisers:

Non-Federally Related Transactions
Licensed Residential Real **Property**
Appraiser
Licensed General Real **Property**
Appraiser

Federally Related Transactions
Licensed Real **Property** Appraiser
Certified Residential Real
Property Appraiser
Certified General Real
Property Appraiser

The first class of appraisers will qualify to do appraisals in non-federally related real **property** transactions and will not qualify under federal law and these regulations to perform federally related real **property** transactions.

The second class of real **property** appraisers will qualify to perform appraisals in both federally related and non-federally related real **property** transactions, the difference between licensed and certified status being further defined.

- 1.3 AUTHORITY.** The CNMI Board of Professional Licensing (hereafter "Board") has the authority to regulate real **property** appraisers pursuant to 4 CMC, Div. 3, Section 3105 and Section 3108.

PART II. DEFINITIONS

- 2.1 APPRAISAL FOUNDATION.** The Appraisal Foundation established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois.
- 2.2 APPRAISAL QUALIFICATIONS BOARD.** The board appointed by the Appraisal Foundation to establish criteria for appraiser licensing and certification.
- 2.3 APPRAISER OR REAL PROPERTY APPRAISER.** A CNMI Licensed Residential Real **Property** Appraiser, non-federally related transactions, or a CNMI Licensed General Real **Property** Appraiser, non-federally related transactions, or a CNMI Licensed Real **Property** Appraiser, federally related transactions, or a Certified Residential Real **Property** Appraiser, federally related transactions, or a Certified General Real **Property** Appraiser, federally related transactions, who for a fee or other valuable consideration prepares an appraisal assignment.
- 2.4 APPRAISAL OR APPRAISAL REPORT.** A statement independently and impartially prepared by an appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date (s), supported by the presentation and analysis of relevant market information.
- 2.5 APPRAISAL SUBCOMMITTEE.** The Appraisal subcommittee of the Federal Financial Institutions Examination Council (FFIEC) consisting of representatives from the federal financial institutions regulatory agencies.
- 2.6 APPRAISER TRAINEE.** A person who has been issued a registration number as a registered real property appraiser trainee in the Northern Marianas.
- 2.7 BONA FIDE EMPLOYEE OR EMPLOYEE.** An individual who works for wages as the individual's primary compensation and who is not an independent contractor.
- 2.8 CERTIFICATE.** A document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as CNMI certified real **property** appraiser, federally related transactions.
- 2.9 CERTIFIED APPRAISER.** A CNMI certified Residential or General real **property** appraiser, federally related transactions.
- 2.10 CERTIFICATE HOLDER.** The person in whose name the Board grants a certificate.
- 2.11 CLASSROOM HOUR.** A classroom hour is defined as fifty minutes out of each **scheduled hour of instruction** and may include time devoted to examinations.
- 2.12 COMPLEX ONE -TO-FOUR FAMILY RESIDENTIAL PROPERTY APPRAISAL.** One in which the property to be appraised, market conditions, or form of ownership is atypical and which have a significant value contribution. For example, unusual factors may include but are not limited to:
- (a) architectural style;

- (b) age of improvements;
- (c) size of improvements;
- (d) size of lot;
- (e) neighborhood land use;
- (f) potential environmental hazard liability;
- (g) leasehold interests;
- (h) limited readily available comparable sales data; or
- (i) other unusual factors.

2.13 CONTINUING EDUCATION. Education that is creditable toward the education requirements that must be satisfied to renew licensure or certification as a Licensed Real **Property** Appraiser, Certified Residential Real **Property** Appraiser, and Certified General Real **Property** Appraiser.

2.14 DIRECT SUPERVISION. To actively and personally review the appraisal report of an appraiser trainee, to accept responsibility for the appraisal, and to sign the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the uniform standards of professional appraisal practice (USPAP).

2.15 DISTANCE EDUCATION. Distance education is defined as any educational process based on the geographical separation of provider and student (i.e., CD ROM, On-line learning, correspondence courses, etc.). Distance education must provide interaction between the learner and instructor and include testing.

2.16 FEDERALLY RELATED REAL ESTATES TRANSACTION. The term "federally related transaction" means any real property-related financial transaction which:

- (a) a federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and
- (b) requires the services of an appraiser.

2.17 LICENSE. The document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed appraiser.

2.18 LICENSED APPRAISER. Licensed Residential Real Property Appraiser, non-federally related transactions, or a Licensed General Real Property Appraiser, non-federally related transactions, or a Licensed Real Property Appraiser, federally related transactions.

2.19 MARKET VALUE. The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (a) buyer and seller are typically motivated;

- (b) both parties are well informed or well advised, and each acting in what each party considers in the party's own best interest;
- (c) a reasonable time is allowed for exposure in the open market;
- (d) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by a person associated with the sale.

In applying this definition of market value, adjustments to the comparable properties must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable properties by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

2.20 NON-FEDERALLY RELATED REAL ESTATE TRANSACTION. Any transaction which does not meet the definition of a federally related transaction.

2.21 QUALIFYING EDUCATION. Education that is creditable toward the education requirements for initial licensure or certification under one or more of the three real **property** appraiser classifications (Licensed Real **Property** Appraiser, Certified Residential Real **Property** Appraiser, and Certified General Real **Property** Appraiser). **Qualifying education courses are acceptable as continuing education courses as long as they are not a duplicate.**

2.22 REAL PROPERTY-RELATED FINANCIAL TRANSACTION. Any transaction involving:

- (a) the sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or
- (b) the refinancing of real property or interests in real property; or
- (c) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

2.23 RESIDENTIAL PROPERTY. Any parcel of real **property**, improved or unimproved, that is utilized for one-to-four family purposes and where the highest and best use is for one-to-four family purposes. A residential unit in a condominium, townhouse or cooperative complex is considered to be residential real **property**. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.

2.24 RESTORE OR RESTORATION. The granting of permission to perform appraiser work by the Board to a person whose license or certificate has been previously suspended or revoked

2.25 TRACT DEVELOPMENT. A project of five units or more that is constructed or is to be constructed as a single development. A tract development may be units in a subdivision, condominium project, time share project, or any similar project meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sell as a single development.

2.26 TRANSACTION VALUE. Transaction Value means:

(a) for loans, participation, or other extensions of credit, the amount of the loan, participation, or extension of credit;

(b) for sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property involved; or

(c) for the purchase or sale of loans or interests in real property pooled for sale, the amount of the loan or the market value of the real property calculated with respect to each loan or real property interest in the pool.

The transaction value for a series of related transactions will be calculated as if only one transaction is involved if it appears that an entity is attempting to evade the requirements to have the appraisal performed by a licensed or certified appraiser.

Master appraisals performed in support of Housing and Urban Development, Federal Housing Administration, or Veterans Administration loan transactions will not be considered as one transaction.

2.27 UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE OR USPAP. The uniform appraisal standards including ethics and competency provisions established by the Appraisal Standards Board as adopted and as it may subsequently be amended by the Appraisal Foundation.

2.28 YEARS OF EXPERIENCE. A year is defined in terms of hours within a calendar year. One thousand (1,000) hours constitutes a year of appraisal experience.

PART III. POWERS AND DUTIES OF THE BOARD

3.1 POWERS AND DUTIES OF THE BOARD. In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:

(a) to grant, deny, renew, or refuse to renew permission to practice as a licensed or certified real **property** appraiser in the CNMI;

(b) to adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;

(c) to enforce the law and rules and regulations adopted pursuant thereto;

- (d) to discipline a real estate appraiser for any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real **property** appraiser for any cause that would be grounds for disciplining a real **property** appraiser;
- (e) to act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. § 3301 et seq.;
- (f) to revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license or certification of the appraiser for any violation of the law or these regulations;
- (g) to impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- (h) to issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year;
- (i) 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 representative acting by authority of law;
- (j) to contract with qualified persons, including attorneys, hearing officers, accountants, investigators, and other necessary personnel to assist the Board in exercising the Board's powers and duties;
- (k) to contract with a professional testing agency to develop and administer examinations;
- (l) 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.

PART IV. LICENSE AND CERTIFICATION REQUIREMENTS

- 4.1 LICENSE OR CERTIFICATION REQUIRED.** It shall be unlawful for an individual who is not licensed or certified in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real **property** related transaction requiring licensure or certification under these regulations. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.
- 4.2 GENERAL REQUIREMENTS.** All applicants for a license or certificate shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and a local appraisal

examination approved by the Board and not have been convicted of a crime related to real **property** appraisal profession. Applicants for the non-federally related appraiser license must take and pass the local appraisal examination as part of the requirement.

4.3 EDUCATION/EXAMINATION/EXPERIENCE REQUIREMENT FOR A REAL PROPERTY APPRAISER, FEDERALLY RELATED TRANSACTIONS. Applicants must meet the following education, examination and experience requirements:

A. Education.

1. **Qualifying Education** – The applicant must have completed courses in subjects related to real **property** appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP). Subjects related to real **property** appraisal shall include the following topics listed below:

- (a) **Basic Concepts of Value (types of value, forces and factors influencing value and economic principles of value);**
- (b) Legal Considerations in Real Estate Appraisal;
- (c) **Characteristics and Analysis of Real Estate Markets;**
- (d) **Money/Capital Markets and Real Estate Financing;**
- (e) **Neighborhood/Area Analysis;**
- (f) The Valuation Process;
- (g) **Collecting Property Data and Property Description;**
- (h) **Basic Building Construction, Design and Function;**
- (i) **Basic Statistical Concepts Used in Appraising;**
- (j) Highest and Best Use Analysis;
- (k) Sales Comparison Approach;
- (l) Site Valuation;
- (m) Cost Approach;
- (n) Income Approach;
- (o) Reconciliation;
- (p) Narrative Writing; and
- (q) Uniform Standards of Professional Appraisal Practice

2. Prerequisites for Licensing or Certification:

(a) **Appraiser Trainee Classification – requires 75 classroom hours of qualifying education courses in subjects related to real property appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP).**

(b) **Licensed Real Property Appraiser Classification – requires 90 classroom hours of qualifying education courses in subjects related to real property appraisal which shall include coverage of the USPAP.**

(c) **Certified Residential Real Property Appraiser Classification – requires 120 classroom hours of qualifying education which may include the 90 classroom requirement for the Licensed classification, of courses in subjects related to real property**

appraisal which shall include coverage of the USPAP.

(d) **Certified General Real Property Appraiser**

Classification - requires 180 classroom hours which may include the 90 hour classroom requirement for the Licensed classification and/or the 120 hour requirement for the Certified Residential classification of courses in subjects related to real **property** appraisal which shall include coverage of the USPAP.

3. Credit toward the classroom hour requirement will not be granted unless the length of the educational offering is at least fifteen hours and the applicant successfully completes an examination pertinent to the education offering.

4. Credit for the classroom hour requirement may be obtained from the following:

- (a) Colleges or Universities
- (b) Community or Junior Colleges
- (c) Real Estate Appraisal or Real Estate Related Organizations
- (d) State or Federal Agencies or Commissions
- (e) Proprietary Schools
- (f) Other providers approved by the Board.

5. Credit may be granted for teaching a course, provided the course is an approved course and further provided that the same teaching credit is not credited to meet the experience requirement.

6. It shall be the applicant's responsibility to ensure that the course provider verifies the number of classroom hours, the length of the education offering and that the applicant successfully completed an examination for the course.

7. There is no time limit regarding when qualifying education credit must have obtained.

8. Experience may not be substituted for education.

9. **Distance education** may be acceptable to meet **qualifying education** classroom hour requirement provided **the courses offered meets the requirements stated on Section 4.3 (A)(1)**, and meets **one of** the following conditions:

- (a) The course **is** presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers **distance education** programs in other disciplines; and
 - i) **The learner successfully completes a written examination proctored by an official approved by the college or university; and**

ii) **The course meets the requirements for qualifying education established by the AQB and is equivalent to the minimum of 15 classroom hours; or**

(b) **The course has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (ACE/PONSI) approval for college credit, or has been approved under the AQB Course Approval Program; and**

i) **The learner successfully completes a written examination proctored by an official approved by the presenting entity; and**

ii) **The course meets the requirements for qualifying education established by the AQB and is equivalent to the minimum of 15 classroom hours.**

10. **Credit awarded for the classroom hour requirement when an individual seeks a different classification than that held may also be awarded for the continuing education requirement of the classification held.**

11. **Courses taken in satisfying the qualifying education requirements should not be repetitive in nature. Each course credited toward the required number of qualifying education hours should represent a progression in which the appraiser's knowledge is increased.**

B. **Examination.**

1. **There is no examination requirement for the Appraiser Trainee classification.**

2. **Each applicant for a license or a certificate shall successfully pass the appropriate examinations of the AQB endorsed National Uniform Appraiser Examination or its equivalent and the local appraisal examination approved by the Board. The examination must be successfully completed. There is no alternative to successful completion of the examination.**

3. **Passage of an examination taken in another jurisdiction may be approved as meeting the examination requirement provided the examination is the AQB endorsed National Uniform Appraiser Examination or its equivalent and the applicant also take and passed the local appraisal examination approved by the Board.**

C. **Experience.**

1. **In addition to the education requirements set forth herein, the following experience is also required to secure a license or certification for each of the following classifications:**

(a) **Appraiser Trainee Classification - No experience is required as a prerequisite for this classification.**

1) The Appraiser Trainee shall be subject to direct supervision by a supervising appraiser who shall be licensed or certified in the CNMI in good standing.

2) The supervising appraiser shall be responsible for the training and direct supervision of the Appraiser Trainee by:

i) accepting responsibility for the appraisal report by signing and certifying the report is in compliance with USPAP; and

ii) reviewing the Appraiser Trainee's appraisal report(s); and

iii) personally inspecting each appraised property with the Appraiser Trainee until the supervising appraiser determines the Appraiser Trainee is competent in accordance with the Competency Provision of the USPAP for the property type.

3) The Appraiser Trainee is permitted to have more than one supervising appraiser.

4) An appraisal log shall be maintained by the Appraiser Trainee and shall, at a minimum, include the following for each appraisal:

a) Type of Property

b) Client name and address

c) Address of appraiser property

d) Description of work performed

e) Number of works hours

f) Signature and license/certification number of the supervising appraiser

(b) Licensed Real Property Appraiser Classification - Two thousand (2,000) hours of appraisal experience are required for this classification. This classification applies to the appraisal of non-complex one to four residential units having a transaction value less than \$1,000,000 and complex one to four residential units having a transaction value less than \$250,000. If requested, experience documentation in the form of reports or file memoranda should be available to support the experience claimed.

(c) Certified Residential Real Property Appraiser Classification - Two thousand five hundred (2,500) hours of appraisal experience obtained during no fewer than 24 months are required for this classification. This classification applies to the appraisal of one to four residential units without regard to transaction value or

complexity. If requested, experience documentation in the form of reports or file memoranda should be available to support the experience claimed.

(d) Certified General Real Property Appraiser Classification - Three thousand (3,000) hours of appraisal experience obtained during no fewer than 30 months are required for this classification. This classification applies to the appraisal of all types of real property. If requested, experience documentation in the form of reports or file memoranda should be available to support the experience claimed.

2. Acceptable appraisal experience includes, but is not limited to the following:

Fee and staff appraisal, ad valorem tax appraisal, **condemnation appraisal, technical** review appraisal, appraisal analysis, real estate **consulting**, highest and best use analysis, and feasibility analysis/study.

3. **The verification for experience credit claimed by an applicant shall be on forms prescribed by the Board which should include:**

- (a) Type of property**
- (b) Date of report**
- (c) Address of appraised property**
- (d) Description of work performed**
- (e) Number of works hours**

4. **Experience obtained after January 1, 1991 shall comply with the Uniform Standards of Professional Practice (USPAP). All appraisers for federally related transactions are bound by all the standards of USPAP, as amended.**

5. **Hours may be treated as cumulative in order to achieve the necessary hours of appraisal experience.**

4.4 APPROVED COURSE PROVIDERS.

A. Colleges, universities, and community and junior colleges accredited by nationally recognized accreditation organizations and State or Federal agencies or commissions are approved course providers; or

B. Real **property** appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the courses offered has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (ACE/PONSI) approval for college credit; or

C. Real **property** appraiser or real estate related organizations, proprietary schools, and others shall be approved provided that the course provider **have obtained approval of their course(s) under the Appraisal Qualifications Board (AQB) Course Approval Program (CAP)** and proof of the **approval** is filed with the Board; or

D. **Any school, organization, course owner or affiliated entity may apply for course (s) approval with the Board upon meeting the following requirements:**

1. **Current Offering and Presentation Method.** The course must be a current offering of the course owner/affiliated entity that is presented by traditional classroom or distance learning methods.
2. **Course Length and Content.** The course must be a real estate appraisal course that involves a minimum of fifteen (15) classroom hours of instruction including examination time for qualifying education and a minimum of two (2) classroom hours for continuing education.
3. **Course Description.** The course materials or syllabus must include a course description which clearly describes the content of the course.
4. **Summary Outline.** The course materials or syllabus must include a summary outline of major topics to be covered and the number of classroom hours devoted to each major topic.
5. **Learning Objectives.** The course materials or syllabus must include specific learning objectives which:
 - (a) are appropriate for a qualifying or continuing education course;
 - (b) clearly state the specific knowledge and/or skills students are expected to acquire by completing the course;
 - (c) are consistent with the course description;
 - (d) are consistent with the textbook and/or other instructional materials; and
 - (e) are reasonably achievable within the number of classroom hours allotted for the course.
6. **Work Assignments.** The course materials or syllabus must provide for in-class work assignments and/or out-of-class work/reading assignments if necessary to accomplish the stated learning objectives.
7. **Instructional Materials.** Instruction materials to be used by students in the course must:
 - (a) cover the subject matter in sufficient depth to achieve the stated course learning objectives;

- (b) provide appropriately balanced coverage of the subject matter in view of the stated course learning objectives;
- (c) reflect current knowledge and practice;
- (d) contain no significant errors;
- (e) reflect correct grammatical usage of spelling;
- (f) effectively communicate and explain the information presented;
- (g) be suitable in layout and format; and
- (h) be suitably bound/packaged and be produced in quality manner.

8. Examination. Course examinations may consist of either a series of examinations or a comprehensive final examination or both. The course examination(s) must comply with the following:

- (a) The examination(s) must contain a sufficient number of questions to adequately test the subject matter covered in the course.
- (b) The amount of time devoted to examinations must be appropriate for the course.
- (c) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated course learning objectives.
- (d) The subject matter tested by examination questions must be adequately addressed in the course instructional materials.
- (e) Examination questions must be written in a clear and unambiguous manner.
- (f) Examination question must be accurate and the intended correct answer must clearly be the best answer choice.

9. Prerequisites. The course owner/affiliated entity must have established appropriate prerequisites for any course other than an introductory course on Basic Real Estate Appraisal Principles and Practices or a course on Appraisal Standards and Ethics.

10. Instructor Qualifications Policy. The course owner/affiliated entity must have a written policy regarding instructor qualifications that requires the use of instructors who satisfy, at least one of the following qualification requirements at a minimum:

- (a) A baccalaureate degree in any field and three (3) years of experience directly related to the subject matter to be taught; or
- (b) A masters degree in any field and one (1) year of experience directly related to the subject matter to be taught; or
- (c) A masters or higher degree in a field that is directly related to the subject matter to be taught; or

- (d) Five (5) years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
- (e) Seven (7) years of real estate appraisal experience directly related to the subject matter to be taught.

11. **Attendance Policy.** The course owner/affiliated entity must have a written attendance policy that requires student attendance to be verified. For distance education courses where classroom attendance cannot be proctored by an on-site official approved by the presenting entity, there must be a method acceptable to the AQB for ensuring student achievement of the classroom hour equivalent.

12. **Course Scheduling Policy.** The course owner/affiliated entity must have established a policy on course scheduling that provides for a maximum of eight (8) classroom hours of instruction in any given day and for appropriate breaks during each class.

13. **Course Completion Certificate Policy.** The course owner/affiliated entity shall have an established policy assuring prompt issuance of signed course completion certificates to attendees which shall include information regarding the number of classroom hours, whether there was successful passage of the course examination and the index number assigned to the course.

14. **Audit Policy.** The course owner/affiliated entity shall permit the Board or the Board's representative, to audit the course and course materials, at no cost to the Board in order to evaluate the instruction. The Board may also review records appropriate to selected course offerings.

15. The Board shall exercise its best efforts, in accordance with applicable law, to protect the confidentiality of the course examinations or other proprietary materials submitted by the course owner/affiliated entity as part of their course materials.

16. The course owner/affiliated entity must provide that non-members of the association or organization may apply for the course without membership in the association or organization on the same terms and conditions as members of the association or organization.

17. The course owner/affiliated entity must provide a fee schedule of the course offerings and keep attendance records for a minimum of three years.

4.5 DISAPPROVAL OF COURSE PROVIDERS OR COURSES.

- A. Course providers or courses may be disapproved when:
 - 1. The instructor or administrators of the course provider has had any disciplinary proceeding filed or disciplinary action taken by any jurisdiction;

2. The instructor fails to demonstrate knowledge and competency in the subject matter being taught;
3. The course is not equivalent in content and complexity to a college or professional level course;
4. The course does not contribute to the professional competence of participants; or
5. Five percent or more of the course covers nonsubstantive material such as, but not limited to, personnel management, office management, or computer program courses not related to the appraisal practice.

B. Course approval may be withdrawn for cause after notification to the course provider by the Board.

4.6 EDUCATION/EXPERIENCE REQUIREMENTS FOR NON-FEDERALLY RELATED TRANSACTIONS.

A. Applicants must meet the following requirements for licensing as a CNMI Licensed Residential Appraiser or CNMI Licensed General Appraiser, non-federally related transactions or for renewal, and must take and successfully pass the local appraisal examination approved by the Board:

1. **Seventy-five (75)** classroom hours of appraisal related courses with six (6) years experience as an appraiser; or
2. An AA in Business Administration with **Fifty (50)** classroom hours of appraisal related courses with (4) years experience as an appraiser; or
3. A Bachelor's degree or higher with **Thirty (30)** classroom hours of appraisal related courses and two (2) years experience as an appraiser; and
4. That the applicant has not been convicted of a crime related to real **property** appraisal profession.

B. 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.

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

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

E. Classification of Licensed Residential and General Real **Property** Appraiser, Non-Federally Related Transactions is:

1. Licensed Residential Classification – includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. At least 50% of the experience claimed must have been in major residential appraisal work.

2. Licensed General Classification – This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity.

4.7 CONTINUING EDUCATION.

A. The equivalent of **fourteen (14)** classroom hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year certification term would require **twenty-eight (28)** hours. These hours may be obtained anytime during the two-year term.

B. The course is equivalent to a minimum of two (2) classroom hours in length and meets the requirements for real property appraisal-related courses established by the AQB.

C. Qualifying education courses are acceptable as continuing education courses as long as they are not a duplicate.

D. An appraiser who has successfully completed an approved course to meet any part of such appraiser's continuing education requirement may not repeat that course unless at least one full year has passed since the completion of that course.

E. The Board, in its discretion, may require the completion of an examination at the end of any continuing education course.

F. Credit for the classroom hour requirements may be obtained from the following:

- (a) colleges or universities;
- (b) community or junior colleges;
- (c) real estate appraisal or real estate related organizations;
- (d) commonwealth, state or federal commissions;
- (e) proprietary school;
- (f) other providers approved by the Board.

G. Credit may be granted for educational offerings which cover real **property** appraisal related topics such as those listed below and which are consistent with the purposes of continuing education:

1. Ad Valorem Taxation
2. Arbitration
3. Business courses related to practice of real **property** appraisal
4. Development Cost Estimating
5. Ethics and Standards of Professional Practice
6. Land use planning, zoning and taxation

7. Management, leasing, brokerage, timesharing
8. Property Development
9. Real estate appraisal
10. Real estate financing and investment
11. Real estate law
12. Real estate litigation
13. Real estate appraisal related computer applications
14. Real estate securities and syndication
15. Real property exchange

H. Continuing education credit may also be granted **by the Board** for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined **by the Board** to be equivalent to obtained continuing education.

I. Credit awarded for the continuing education requirement may also be awarded for the **qualifying education** classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established (**minimum length of 15 hours and successful completion of an examination**).

J. **Distance education courses** may be acceptable to meet the classroom hour requirement provided each course is approved by the Board and meets the following conditions:

1. The course **either** has been presented by an accredited (Commission on Colleges or a regional accreditation association) college or university which offers correspondence programs in other disciplines or has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (ACE/PONSI) approval for college credit **or approval through the AQB Course Approval Program**.

K. Approved course providers shall be as stated in Section 4.4. Course providers and courses may be disapproved as provided for in Section 4.5.

L. Continuing education credit hours in excess of the **twenty-eight (28)** continuing education hours for **every two year renewal period** shall not be credited to satisfy continuing education hours for the **next two year** renewal period.

M. As a prerequisite to renewal of a license or certificate, a real **property** appraiser shall present satisfactory evidence of having met the continuing education requirements.

N. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

- 4.8 REPUTATION FOR HONESTY, TRUTHFULNESS, FAIRNESS AND FINANCIAL INTEGRITY.** Applicants shall demonstrate, **as set forth in 5.2 (D)** that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity.
- 4.9 EXAMINATION REQUIREMENT.** Each applicant for a license or certificate (federally related) shall successfully pass the appropriate examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for federally related transactions and a local appraisal examination approved by the Board.
- 4.10 ISSUANCE OF LICENSE OR CERTIFICATE.** The CNMI appraiser license or CNMI appraiser certificate shall be issued upon the applicant meeting all appropriate requirements and must be renewed **as required by CNMI law and provided herein every two years from the date of issuance or renewal.**
- 4.11 LICENSE OR CERTIFICATE ISSUED.** A CNMI license or CNMI certificate shall only be issued to individuals and the license or certificate shall not be transferable.
- 4.12 FILING OF CURRENT ADDRESS.** Every licensee or certificate holder shall provide written notice to the Board of any changes of the licensee's or certificate holder's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed or certified appraisers shall be deemed met if notice is sent to the address on file with the Board.

PART V. APPLICATION

- 5.1 APPLICATION FOR LICENSURE OR CERTIFICATION.** Application for licensure or certification shall be made under oath **or under penalty of perjury as permitted under CNMI law** on a form to be furnished by the Board. The form may require the applicant to provide:
- A. The applicant's full name;
 - B. A statement that the applicant has attained the age of majority (18);
 - C. The applicant's current business or mailing address for publication, and the applicant's current resident address;
 - D. The applicant's social security number;
 - E. The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
 - F. The date and place of any conviction of felony or any crime **in any way** related to any appraisal practice;
 - G. Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;

H. A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant **when such judicial or other process or legal notice is related directly or indirectly to a license or certificate issued by the Board. This procedure is for informational purposes only and is not intended to be, and of itself does not constitute, valid, legal service upon the licensee or certificate holder who must be served on a basis consistent with applicable CNMI laws, rules, regulations and/or Rules of Court. The Board shall immediately forward such judicial or other process or legal notice to the licensee or certificate holder by the mailing of such document certified mail, return receipt requested, to the last address which the certificate holder or licensee has provided to the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee or certificate holder.**

I. A photograph of the applicant for identification purposes;

J. A statement that the applicant is a United States citizen or a non U.S. citizen authorized to work in the CNMI; and

K. Any other information the Board may require to investigate the applicant's qualifications for licensure or certification.

5.2 SUPPORTING DOCUMENTS REQUIRED. Every applicant shall furnish the following with the application:

A. The appropriate fees;

B. Proof that the applicant has met the educational, examination, and experience requirements;

C. Notarized statement of experience **or under penalty of perjury as permitted by applicable CNMI law**

D. Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;

E. If requested, proof that the applicant is a CNMI or United States citizen or a non-U.S. citizen authorized to work in the CNMI; and

F. If requested, appraisal reports or file memoranda.

G. Other additional information as the Board from time to time deems appropriate or necessary.

5.3 RESPONSIBILITY OF APPLICANT TO FURNISH INFORMATION AND DOCUMENTATION. It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.

5.4 SIGNING AND VERIFICATION OF APPLICATION. Every application and all references shall be signed **and notarized or signed under penalty of perjury as permitted by applicable CNMI law** by the applicant or the person attesting to the experience and reputation of the applicant.

5.5 APPLICATION FOR CERTIFIED REAL PROPERTY APPRAISER, FEDERALLY RELATED TRANSACTIONS FROM LICENSED REAL PROPERTY APPRAISER, FEDERALLY RELATED TRANSACTIONS.

A. An individual holding a current real **property** appraiser, federally related transaction license may apply for certified real **property** appraiser, federally related transactions status upon submittal of the following:

1. Certified Residential Real **Property** Appraiser:
 - (a) appropriate fees;
 - (b) proof that the applicant has met the education requirement of one hundred twenty classroom hours, which may include the **ninety** classroom hours requirement for licensed classification, or courses in subjects related to real estate appraisal which shall include coverage of the USPAP **and successful completion of the AQB endorsed National Uniform Appraiser Examination or its equivalent;** and
 - (c) proof that the applicant has performed **at least one thousand two hundred and fifty hours** of major residential appraisal work.

2. Certified Residential Real Property Appraiser:
 - (a) appropriate fees;
 - (b) proof that the applicant has met the education requirement of one hundred **eighty** classroom hours, which may include the **ninety** classroom hours requirement for the licensed classification and/or the one hundred twenty classroom hours requirement for the certified residential classification of courses in subjects related to real **property** appraisal which shall include coverage of the USPAP and successful completion of the **AQB endorsed National Uniform Appraiser Examination or its equivalent;** and
 - (c) proof that the applicant has performed **at least one thousand five hundred** hours of non-residential appraisal work.

B. Credit awarded for the continuing education requirement may also be awarded for the classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established for the classroom hour and continuing education requirements.

5.6 CRIMINAL CONVICTION. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant: copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence.

5.7 DENIAL OR REJECTION OF APPLICATION.

A. An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license or certificate:

1. When the applicant is known to have committed any of the acts for which a license or certificate maybe suspended or revoked hereunder.
2. If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
3. If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

B. An applicant shall be automatically rejected and the applicant shall be denied licensure or certification when the applicant, after having been notified to do so:

1. Fails to pay the appropriate fees within sixty days from notification; or
2. Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure or certification within sixty days of notification.

C. Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.

D. An applicant, whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.

5.8 TERM. All licenses and certificates expires two years following its issuance or renewal and becomes invalid after that date unless renewed.

5.9 DATE OF FILING FOR RENEWAL. A renewal notice shall be mailed by the Board a month before the expiration date to appraisers whose license or certificate is expiring. All license and certificate holders shall complete and submit an application together with the required fees, and proof of the required completed continuing education hours on or before the date of expiration. A completed application with the required documents sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than the date of expiration.

5.10 AUTOMATIC FORFEITURE FOR FAILURE TO RENEW. The failure to timely renew the license or certificate, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license or certificate to be automatically forfeited.

5.11 RESTORATION OF FORFEITED LICENSE OR CERTIFICATE.

A. A license or certificate which has been forfeited may be restored within two years after the date of forfeiture provided the applicant pays the appropriate fees including restoration fees, and submits all continuing education hours that would have been required had the licensee or certificate holder maintained licensure or certification.

B. An individual whose license or certificate has been forfeited and who fails to restore the license or certificate as provided above, shall apply as a new applicant.

5.12 BOARD MAY REFUSE TO RENEW OR RESTORE LICENSE OR CERTIFICATE.

A. The Board may refuse to renew or restore a license or certificate for failure or refusal of the licensee or certificate holder:

1. To properly complete or timely submit the renewal application form and submit all fees and required documentation;
2. To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
3. To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or certificate; or
4. To comply with these regulations.

B. An applicant, whose application has been refused by the Board to be renewed or restored for the above reasons may file for an administrative hearing as provided by law.

5.13 INACTIVE STATUS.

A. A license or certificate may be placed on an inactive status upon notification to the Board by the licensee or certificate holder in writing of the effective date of inactivation and payment of an inactive file.

B. A licensee or certificate holder on inactive status shall be considered as unlicensed or uncertified.

C. Failure to reactivate a license or certificate on inactive status after two years shall render the license or certificate null and void and applicant must apply as a new applicant and meet new licensing requirements.

D. Misrepresentation of inactive status on the practice of real property appraisal shall be grounds for disciplinary action.

5.14 REQUIREMENTS TO REACTIVATE.

A. An inactive licensee or certificate holder may apply for reactivation upon payment of all fees due and owing from the time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure or certification from the date of inactivation.

B. Failure to meet the requirements for reactivation shall require a person desiring licensure or certification to apply as a new applicant.

PART VI. SCOPE OF APPRAISERS

6.1 SUPERVISION OF APPRAISER TRAINEES. Licensed and certified appraisers may directly supervise appraiser **trainees** provided:

A. The appraiser **trainee** is a bona fide employee of the licensed or certified appraiser, or an employee of the same entity who employs the licensed or certified appraiser; or

B. The licensed or certified appraiser signs the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

6.2 USE OF TERMS "LICENSED APPRAISER", AND "CERTIFIED APPRAISER".

A. The terms "licensed real **property** appraiser," "certified residential real **property** appraiser", and "certified general real **property** appraiser" for federally related transactions and "licensed residential real **property** appraiser", and "licensed general real **property** appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed or certified, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed or certified.

B. This requirement shall not be construed to prevent a licensee or certificate holder from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if it is clear that only the individual is licensed or certified and the corporation, partnership, association, or group practice is not.

C. No person may assume or use the title "licensed real **property** appraiser", "certified residential real **property** appraiser", and "certified general real **property** appraiser" for federally related transactions, or "licensed residential real **property** appraiser", and licensed general real **property** appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure or certification unless that persons holds a current license or certificate hereunder.

6.3 REAL ESTATE-RELATED FINANCIAL TRANSACTIONS NOT REQUIRING APPRAISAL BY A LICENSED OR CERTIFIED APPRAISER. An appraisal performed by a licensed or certified appraiser (federally related transaction) is not required for any real **property**-related financial transaction in which:

A. The transaction value is at or below the de minimus level established by a federal financial institutions regulatory agency;

B. A lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been more favorable than it would have been in the absence of the lien;

C. Real **property** is leased unless the lease is the economic equivalent of a purchase or sale of the leased real **property**;

D. There is a renewal of an existing transaction in which the maturity and amortization of the obligation are intentionally mismatched for repricing or credit quality consideration, provided that:

1. The borrower has performed satisfactorily according to the original terms;
2. No new monies have been advanced;
3. The credit standing of the borrower has not deteriorated; and
4. There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection.

E. A regulated institution purchases a loan or interest in a loan, pooled loan, or interests in real property, including mortgage-backed securities, provided that the appraisal prepared for each pooled loan or real property interest met the requirements of this part, if, applicable, at the time of origination.

6.4 NONAPPLICABILITY TO REAL ESTATE BROKERS OR REAL ESTATE SALESPERSONS. These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real **property** or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

A. The opinion as to the listing or the purchase price shall not be referred to as an appraisal;

B. No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property; or

C. No misrepresentation is made that the real estate broker or salesperson is a certified or licensed real **property** appraiser.

**PART VII. TEMPORARY RECOGNITION OF LICENSURE OR CERTIFICATION OF
OUT-OF-CNMI APPRAISERS**

7.1 RECOGNITION OF LICENSE OR CERTIFICATE. The Board may recognize the license or certification of an appraiser licensed or certified in another jurisdiction provided:

A. The licensure and certification requirements in that other jurisdiction are substantially equivalent to the CNMI and the applicant take and passed the local **CNMI** appraisal examination and further provided that:

1. the property to be appraised is part of a federally related transaction;
2. the appraiser's business is of a temporary nature; and
3. the appraiser applies for the temporary license or certificate.

B. The out-of-CNMI appraiser may elect to obtain licensure or certification of CNMI by filing an application.

7.2 REQUIREMENTS FOR RECOGNITION.

A. Application for recognition of appraiser licensure or certification shall be **notarized or signed under penalty of perjury as permitted under CNMI law** on a form to be furnished by the Board. The form may require the applicant to provide items abovementioned, and in addition, the applicant shall:

- (a) submit evidence of current license or certificate from the other jurisdiction;
- (b) submit a copy of the contract for appraisal services that requires the applicant to appraise real **property** in the CNMI and certify that such contract is in full force and effect;
- (c) certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
- (d) agree, in writing, to conform with all the provisions of these regulations; and
- (e) **file** a designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant **when such judicial or other process or legal notice is related directly or indirectly to a license or certificate issued by the Board. The Board shall immediately forward such judicial or other process or legal notice to the licensee or certificate holder by the mailing of such document certified mail, return receipt requested, to the last address which the certificate holder or licensee has provided to the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee or certificate holder.**

7.3 BOARD MAY REFUSE TO RECOGNIZE. The Board may refuse to recognize licensure or certification for reasons hereunder:

A. If the applicant fails to submit appropriate fees, within sixty days of notification to do so; or

B. The applicant fails to meet equivalent qualifications or requirements for appraiser licensure or certification of this jurisdiction.

7.4 TERM OF RECOGNITION; RENEWAL.

A. Recognition shall remain in force as long as the license or certificate is current in the other jurisdiction; provided however, that any new contracts for appraisal assignments shall be filed with the Board.

B. The appraiser shall file with the Board evidence of renewal of license or certificate in the other jurisdiction, within two months of renewal.

7.5 WITHDRAWAL OF RECOGNITION. Recognition of the licensure or certification may be withdrawn after a hearing pursuant to law and these regulations if the appraiser is found to have violated the provisions of this law and/or these regulations **or if the appraiser's license or certificate is suspended or revoked or forfeited in any other jurisdiction.**

PART VIII. APPRAISAL STANDARDS

8.1 APPRAISAL STANDARDS FOR FEDERALLY RELATED REAL PROPERTY TRANSACTIONS.

A. For federally related real **property** transactions valued at or above the de minimus level established by a federal financial institutions regulatory agency, all appraisals shall be performed by a licensed or certified appraiser and shall, at a minimum:

(a) conform to the current standards of **the Uniform Standards of Appraisal Practice (USPAP)**;

(b) be based upon the definition of market value as defined in these regulations;

(c) be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real **property** appraised which can be readily understood by a third party;

(d) analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:

i) for one-to-four family residential property, one year preceding the date when the appraisal was prepared; or

- ii) for all other property, three years preceding the date when the appraisal was prepared.
 - (e) analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;
 - (f) analyze and report data on current revenues, expenses and vacancies for the subject property if it is and will continue to be income producing;
 - (g) analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;
 - (h) analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income of the absorption period, to the extent they affect the value of the subject property;
 - (i) analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;
 - (j) include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;
 - (k) contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third party study and its impact on value so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a final conclusion will enable the reader to understand the reasonableness of the conclusion;
 - (l) include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real **property** being appraised;
 - (m) identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of the market value; and
 - (n) follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.
- B. If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.

C. An appraiser shall perform all appraisals, reviews, or consultations with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

8.2 SIGNATURE ON APPRAISAL REPORTS.

A. If an appraisal report is prepared and signed by CNMI licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Licensed Appraiser" and the appraiser's license number and expiration date.

B. If an appraisal report is prepared and signed by a CNMI certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Certified Appraiser" and the appraiser's certificate number and expiration date.

C. If an appraisal report is prepared and signed by an appraiser licensed or certified in another jurisdiction whose license or certificate has been temporarily recognized by the board, the appraisal report shall state, immediately following the signature, "licensed appraiser," "certified residential appraiser," "certified general appraiser," as the case may be, the appraiser's license or certificate number, the expiration date of the license or certificate, and the jurisdiction in which the appraiser is licensed or certified.

D. Appraisal reports prepared by an appraiser **trainee** shall be approved and signed by the licensed or certified appraiser.

8.3 RECORDS AND APPRAISAL REPORT RETENTION REQUIREMENT.

A. Every licensed or certified appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.

B. The five-year period shall commence upon date of delivery of the appraisal report to the client, provided that; if the appraiser is notified that the appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.

C. The appraiser shall make all records available, upon request, to the Board or the Board's authorized delegate.

PART IX. ADVERTISING PRACTICES

9.1 ADVERTISING PRACTICES. A license or certificate holder advertising through any media shall be identified as a CNMI licensed, or CNMI certified appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

PART X. GROUNDS FOR REVOCATION, SUSPENSION, REFUSAL TO RENEW OR RESTORE, DENIAL, OR CONDITIONING OF LICENSES OR CERTIFICATES

10.1 GROUNDS FOR REVOCATION, SUSPENSION, REFUSAL TO RENEW OR RESTORE, DENIAL, OR CONDITIONING OF LICENSES OR CERTIFICATES.

In addition to any other acts or conditions provided by law, the Board may revoke, suspend, refuse to renew or restore, deny, or condition in any manner, any license or certificate for any one or more of the following acts or conditions:

- A. Procuring a license or certificate through fraud, misrepresentation, or deceit; or
- B. Failing to meet or maintain the requirements or conditions necessary to qualify for licensure or certification; or
- C. Acting negligently or incompetently or failing without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal; or
- D. Failing to comply with the Uniform Standards of Professional Appraisal Practice; or
- E. Performing, for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment; or
- F. Conviction of, or pleading nolo contendere to any felony or any crime that is substantially related to the qualification, functions, or duties of an appraiser; or
- G. Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal; or
- H. Committing any act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person; or
- I. Accepting an appraisal assignment if the employment or fee is contingent upon:
 - 1. The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - 2. The consequences resulting from the appraisal assignment.
- J. Engaging in the business of real estate appraising under an assumed or fictitious name not properly registered; or

K. Paying a finder's fee or a referral fee to a person who is not a licensed or certified appraiser in this jurisdiction in connection with appraisal of real **property** in this jurisdiction; or

L. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications; or

M. Aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations; or

N. Violating any conditions or limitations upon which the license or certificate was issued; or

O. Failing to report to the Board, in writing, any disciplinary decision issued against the licensee or certificate holder in another jurisdiction; or

P. Violating the provisions in these regulations or any order of the Board.

10.2 HEARINGS. Any proceeding before the Board to take disciplinary action or other sanctions against a licensed or certified appraiser shall be conducted **purusant to 1 CMC, Section 9109 Administrative Procedures - Conduct of Hearings.**

PART XI. RESTORATION OF LICENSE OF CERTIFICATE

11.1 RESTORATION OF SUSPENDED LICENSE OR CERTIFICATE. A person whose license or certificate has been suspended may apply for restoration of the license or certificate upon complete compliance with any term or condition imposed by the order of suspension. The application for restoration shall be accompanied by the appropriate fees, application, **required** continuing education hours, **and/or any other additional documents or information the Board deems appropriate.**

11.2 REVOKED LICENSE OR CERTIFICATE. Upon the expiration of at least two years from the effective date of the revocation of the license or certificate, a person may apply for a new license or certificate by filing an application and complying with all current requirements for new applicants. **The granting or denying of such application shall be at the discretion of the Board after evaluating such application consistent with the statutory and regulatory requirements relating thereto.**

11.3 RELINQUISHMENT NO BAR TO JURISDICTION. The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license or certificate by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license or certificate.

11.4 JUDICIAL REVIEW. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

PART XII. UNAUTHORIZED PRACTICE AS AN APPRAISER

12.1 NO COMPENSATION FOR UNAUTHORIZED ACTIVITY; CIVIL ACTION. The failure of any person to maintain a current and valid license or certificate prior to engaging in any activity requiring licensure or certification by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on any legal basis to recover the reasonable value thereof.

PART XIII. PUBLICATION OF ROSTER

13.1 PUBLICATION OF ROSTER. The Board shall prepare annually, a roster showing the name and place of business of each individual holding a license as a CNMI licensed appraiser, or transitional CNMI license appraiser, or a certificate as a CNMI certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART XIV. FEES

14.1 FEES ESTABLISHED. The fees for licensure or certification shall be as follows:

- A. Application Fee. \$100
- B. License or Certificate Fee. \$100
- C. Annual Registry Fee. \$ 25
to be transmitted to the Appraisal Subcommittee.
- D. Renewal Fee. \$ 50
- E. Inactive Fee. \$ 20
- F. Reactivation Fee. \$ 20
- G. Restoration Fee. \$ 20
- H. Examination Fee shall be as provided by contract with a professional testing organization.
- I. Local Examination Fee. \$75
- J. Application Fee for Recognition of \$ 25
license or certificate

The application fees shall be nonrefundable. The annual registry fees may be increased if the Appraisal Subcommittee so informs the Board of the increase, and may be imposed on licensees or certificate holders without hearing. Failure to pay any increase of the annual registry fee within sixty days of notification to do so shall result in automatic forfeiture of the license.

14.2 FORM OF FEE. The fees, if in the form of money order or check, shall be made payable to the CNMI Treasurer.

14.3 DISHONORED CHECKS CONSIDERED FAILURE TO MEET REQUIREMENTS. The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

14.4 FEES DEPOSITED; TRANSMITTAL APPRAISAL SUBCOMMITTEE.

- A. All fees shall be deposited in the general fund of the CNMI.
- B. The annual registry fees shall be transmitted by the Board to the Appraisal Subcommittee annually **as required by law.**



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

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Saipan, MP 96950
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BOARD OF PROFESSIONAL LICENSING

Statutory Authority

The Board of Professional Licensing promulgated these proposed amendments pursuant to the powers granted it by Section 3105 of 4 CMC, Div. 3 (P.L. 1-8 and 4-53).

*Statement of Goals
and Objectives:*

The intent of the amendments is to update and be consistent with the national organizations in order for the Board to be more efficient and effective in protecting the health, welfare and safety of the people of the Commonwealth.

*Brief Summary of the
Proposed Amendments:*

The proposed amendments is to update the regulations to be more consistent with the guidelines of the National Council of Examiners for Engineering and Surveying (NCEES) and the National Council of Architects Registration Board (NCARB) specifically in the definition section, change of the fee schedule, changes to the licensure requirements to accommodate the foreign-educated applicants, change on the administration of national examinations, amendments to the Certificate of Authority requirements, amendments to the sealing and designing of plans, amendments in regards to temporary licenses, and amendments to the Disciplinary Actions and Proceedings section of the regulations.

*For further
information contact:*

Florence Sablan Bocago, Board Administrator at 234/5897,
235-5898 or fax 234-6040.



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

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

RECEIVED

Office of the Attorney General
Civil Division

Date: 9/17/98
Time: 2:00 PM
Rec'd by: [Signature]

**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 its Regulations for Engineers, Architects, Land Surveyors and Landscape Architects. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing office, 2nd Floor of ICC Building, Gualo Rai.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 10th day of September, 1998.

[Signature]
Manuel M. Pangelinan
Chairman

FILED BY:
[Signature]
Soledad B. Sasamoto
Registrar of Corporations

10/15/98
Date _____
Time _____

RECEIVED BY:
[Signature]
Jose I. Deleon Guerrero
Special Assistant for Admin.

10/15/98
Date _____
Time _____

Pursuant to 1 CMC §2153 as amended by P.L. 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Officer.

Dated this 13th day of Oct., 1998.

Maya B. Kara
Attorney General (Acting)

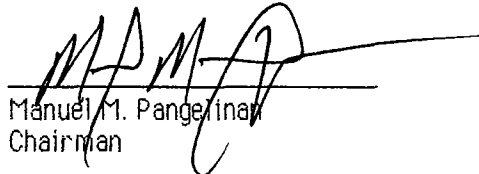
BY: [Signature]
Assistant Atty. General
Elliott A. Sattler

**NUTISIA PUT I MAPROPOPONE SIHA NA AMENDASION GI
REGULASION PARA ENGINEERS, ARCHITECTS, LAND
SURVEYORS YAN LANDSCAPE ARCHITECTS**

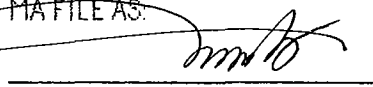
I Board of Professional Licensing ginen este manana'e nutisia i publiku henerat na ha propopone para u amenda i Regulasion para Engineers, Architects, Land Surveyor yan Landscape Architects. I maninteresao siha na petsona siha manmañule kopian este siha na amendasion gi Ofisinan Board of Professional Licensing, gaige gi mina' dos bibenda ICC Building giya Gualo Rai.

Hayi siha maniteresao mana'halom komento put i manmapropopone siha na amendasion siha ha ha macho'gue gi tingige' ya u matsatmiti halom trenta (30) dias despues di mapubliku huyong este na nutisia gi Rehistran Commonwealth.

Ma fecha gi mina' 10 na dia guine na mes septembre, 1998.


Manuel M. Pangelinan
Chairman

MAFILE AS:


Soledad B. Sasamoto
Rehistradoran Kotporasion

10/15/98
Fecha

Ora

RINSIBI AS:


JOSE L. DELEON GUERRERO
Special Assistant for Admin.

10/15/98
Fecha

Ora

Sigun gi I CMC §2153 ni inamenda ni Lai Publiku 10-50 i areklamento yan regulasion ni chechetton guine esta manmainan maolek yan apreba i fotma kornu liga yan suficiente ni Ofisialis Attorney General guine gi CNMI.

Ma fecha gi mina' 12th guine na mes October, 1998.

Maya B. Kara
Attorney General (Acting)

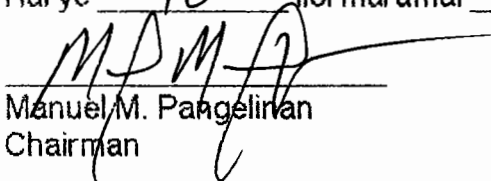
Giner: ELLIOTT A. SATTLER
Assistant Attorney General
Elliott A. Sattler

**ARONGORONG REEL POMWOL LLIWEL REEL ALLEGHUL
MILLE ENGINEERS, ARCHITECTS, LAND SURVEYORS ME
LANDSCAPE ARCHITECTS**


Boardul Professional Licensing sáangi milleel ekke arongaar aramas toulap bwe ekke pomwoli ebwe yoor lliiwel mellól autol Alléghúl mille Engineers, Architects, Land Surveyors, me Landscape Architects. Iyo ye ebwe yoor yaal kopiya reel pomwol lliiwel kkaal nge ebwe bweibwogh mereel Bwulasiyol Boardul Professional Licensing, 2nd floor reel ICC Building Gualo Rai.

Iyo ye e tipeli ebwe isisilong yaal ayegh ngare mángemáng ebwe féerú schagh nge ebwe llól eliigh (30) rál sáangi tolongol arong yeel llól Commonwealth Register.

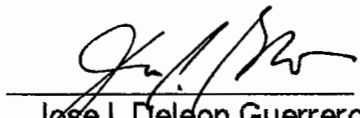
Rál ye 10 llól maramal Septembre, 1998.


Manuel M. Pangelinan
Chairman

Isáliyál :


Soledad B. Sasamoto
Registrar of Corporations

10/15/98
Rál Otol

Bwughiyal : 
Jose I. Deleon Guerrero

10/15/98
Rál Otol

Sáangi 1 CMC 2153 iye a lliiwel ló sáangi Alléghúl Toulap 10 - 50, allégh kkaal nge a takkal amweni sefááli me appelúghúló mereel Bwulasiyol CNMI Attorney General.

Rál ye 13th llól maramal October, 1998

Maya B. Kara
Attorney General (Acting)

Mereel : ELLIOTT A. SATTLER
Assistant Attorney General
Elliott A. Sattler

**REGULATIONS
of the
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. 4-53.

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 **licensed** under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding certificates or **licenses**, 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 **licensed** 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

2.1 ABET - The letters "ABET" shall mean Accreditation Board for Engineering and Technology.

2.2 Advertise includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure or advertising through the media. Advertising through the "media" means newspapers, magazines, and telephone directories including all listings in the yellow pages or commercials broadcast through radio or television or any other means of dissemination.

2.3 Approved 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 accredited by the Accreditation Board for Engineering and Technology, Inc. (**ABET**) and the National Architectural Accreditation Board (**NAAB**), respectively.

- 2.4 **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 (**ABET**), the National Architectural Accreditation Board (**NAAB**), or as approved by the Board.
- 2.5 **A.R.E.** - The letters "A.R.E" shall mean Architect Registration Examination prepared by NCARB.
- 2.6 **Architect** - The term "architect" shall mean a person who has been duly **licensed** by the Board to engage in the practice of architecture within the Commonwealth.
- 2.7 **Base State** - The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially **licensed** or the jurisdiction to which an applicant has transferred his base state status.
- 2.8 **Board** - The term "the Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by Chapter 1 of 4 CMC, Division 3.
- 2.9 **Branch** - The term "branch" of engineering shall mean the various subdivisions of the engineering profession, i.e. civil, structural, mechanical, electrical, marine etc.
- 2.10 **CACB** - The letters "CACB" shall mean the **Canadian Architectural Certification Board**.
- 2.11 **CBRPELS** - The letters "CBRPELS" shall mean the **California Board of Registration for Professional Engineers and Land Surveyors**.
- 2.12 **CEAB** - The letters "CEAB" shall mean the **Canadian Engineering Accreditation Board**.
- 2.13 **Certification** - The term "certification" or "certify" shall mean the sealing and signing of documents prepared under the responsible charge of the individual affixing his or her seal and signature.
- 2.14 **Certificate of Authorization** - The term "certificate of authorization" shall mean the 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.
- 2.15 **Chemical Engineering** - That branch of engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved.

2.16 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 whichever is less in height.

2.17 CLARB - The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.

2.18 Commonwealth - The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.

2.19 Construction Inspection - The term "construction inspection" means making visits to the site by a licensed engineer, architect, or landscape architect, or qualified representatives, to inspect or observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape architect be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work.

2.20 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.

2.21 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.

2.22 Direct supervision - That degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

- 2.23 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.
- 2.24 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.
- 2.25 Electrical Engineering** - That branch of engineering which embraces studies, design and activities relating to the general, 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.
- 2.26 Engineer** - The term "engineer" shall mean a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined.
- 2.27 Engineer Intern (Engineer-In-Training)**- Engineer Intern shall mean a person who has met the education and character requirements as set forth herein and have taken and passed the Fundamentals of Engineering Examination and has been duly licensed by the Board.
- 2.28 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.
- 2.29 Gross Negligence** - The term "Gross Negligence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions indifference to and/or wanton disregard of accepted standards of care and/or legal obligation so far as other persons may be affected.
- 2.30 Incompetence** - The term "Incompetence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions lack of ability to produce work in conformity with accepted professional standards.
- 2.31 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.

- 2.32 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.
- 2.33 Landscape Architect** - The term "landscape architect" shall mean a person who has been duly **licensed** by the Board to engage in the practice of landscape architecture in the Commonwealth.
- 2.34 Land Surveyor** - Land Surveyor means a person who has been duly licensed by the Board to engage in the practice of land surveying in the Commonwealth.
- 2.35 Land Surveyor Intern (Land Surveyor In-Training)**- **Land Surveyor Intern shall mean a person who has met the education requirement as set forth herein, and in either case has passed the examination on fundamentals of land surveying and has been duly licensed by the Board.**
- 2.36 Lawful Experience** - 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, **CACB or CEAB** member board **licensed** Engineer, Architect, Land Surveyor or Landscape Architect **in the District of Columbia, any state, commonwealth or territory of the United States and Canada.**
- 2.37 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.
- 2.38 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.
- 2.39 NAAB** - The letters "NAAB" shall mean the National Architectural Accreditation Board.
- 2.40 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, structures 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.
- 2.41 NCARB** - The letters "NCARB" shall mean the National Council of Architectural Registration Boards.

- 2.42 NCEES** - The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- 2.43 Negligence** - The term "Negligence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions a lack of due care in accordance with accepted professional standards.
- 2.44 Person** - Person shall include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, or any other person acting in a fiduciary or representative capacity, or any combination of individuals.
- 2.45 Photocopy** - The term "photocopy" shall mean any mechanical means of photographic reproduction.
- 2.46 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.
- 2.47 Practice of Architecture** - as defined by 4 CMC 3211 (a)(2)(A) means the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the service referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined in this Chapter.

A person is considered to practice or offer to practice architecture, within the meaning and intent of this Chapter, who practices the profession of architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be an architect through the use of some other title, implies that he or she is an architect or that he or she is licensed under this Chapter or holds himself or herself out as able to perform or who does perform any architectural service or work or any other service designated by the practitioner which is recognized as architecture.

- 2.48 Practice of Engineering** - as defined by 4 CMC 3211 (d)(2)(A) means any service or creative work, the adequate performance of which requires **engineering education, training, and experience in the application of special** knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, **expert technical testimony**, evaluation, planning,

design and design coordination 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 or 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 **is considered** 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 **or herself** to be a professional engineer or through the use of some other title, implies that he **or she** is a professional engineer or that he **or she** is **licensed** under this Chapter or holds himself **or herself** 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.

2.49 Practice of Landscape Architecture - as defined by 4 CMC 3211 (e)(2) (A) means 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 the preservation and enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and 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, structures, or facilities. This Chapter shall not empower a landscape architect, licensed under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."

A person is considered to practice or offer to practice landscape architecture, within the meaning and intent of this Chapter, who practices the profession of landscape architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a landscape architect or through the use of some other title, implies that he or she is a landscape architect or that he or she is licensed under this Chapter or holds himself or herself out as able to perform or who does perform any landscape architecture service or work or any other service designated by the practitioner which is recognized as landscape architecture.

2.50 Practice of Land Surveying – as defined by 4 CMC 3211 (f)(2) (A) means one who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence and all requisite to surveying of real property and uses these skills for providing professional services such as consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and utilization and development of these facts and interpretation into an orderly survey map, plan, report, description, or project.

Any person is **considered** 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 claim, sign, letterhead, card or in any other way represents himself or herself to be a land surveyor or who represents himself or herself 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.

2.51 Probation – A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrate that they have maintained a satisfactory performance in their practice over a specific period of time.

2.52 Reprimand – A formal criticism/and or admonishment directed to the licensee as a result of the violations noted.

2.53 Responsible Charge – The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a **licensed** Engineer, Architect, Land Surveyor or Landscape Architect.

2.54 Revocation – A termination of a license or certificate to practice. Such action should require that the licensee or corporation surrender any and all license and wallet card issued by the Board. In order for a licensee or corporation to reinstate a certificate and/or license that has been revoked, the licensee or corporation is required to apply as a new applicant.

2.55 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.

2.56 Signature – The term "signature" shall mean the reproducible original signing of one's own name. Rubber signature stamps shall not be acceptable.

- 2.57 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.
- 2.58 Structural Engineering** - That branch of engineering which deals with investigation, design, selection, and construction supervision of the fore-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, formulæ, 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.
- 2.59 Suspension** - A suspension terminates a certificate and/or license privileges for a limited time. The certificate and/or license may be reinstated after the licensee or corporation fulfilled conditions imposed by the Board.
- 2.60 Warning Letter** - A letter issued to a licensee or corporation based upon a threshold determination that unacceptable conduct has occurred. A warning letter can be used when it is determined that a suspension or revocation is not appropriate, but some level of criticism is needed.

PART III. APPLICATIONS

3.1 Filing of Applications

- 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.
- B.** Information on the application form 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.
- C.** To allow time for the Board to process the application for examination, receive verification of required information and order examinations booklets, application must be filed with the board at least ninety (90) days prior to the examination date established by NCEES, NCARB or CBRPELS.
- D.** Information on the application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicant's experience record.

E. Council Record submitted to the Board by NCEES or NCARB shall be accepted in lieu to the information required on the application 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.

3.2 Kinds of Applications

A. Applicants for licensure as an Engineer Intern or Land Surveyor Intern shall be accepted from individuals who believe they are qualified by education and/or experience, and have taken and passed the Fundamentals of Engineering (FE) or the Fundamentals of Land Surveying (FLS) Examination.

B. Those who are senior students in an engineering school or college approved by the Board, leading to a baccalaureate degree may apply for licensure as an engineer intern and to take the fundamentals examinations during the senior year.

C. Applications for licensure 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 licensed to practice their profession in the Commonwealth.

D. No person shall be eligible for licensure by comity unless such person possesses the same qualifications and meets the same requirements as other applicants for a license in the same profession or branch.

3.3 Supporting Documents

A. Applications for licensure by comity shall include one (1) copy each of the applicant's:

(a) college or university diploma or a transcript of all college courses taken;

(b) license and wallet size card issued by the jurisdiction where the applicant was first licensed by examination or the applicant's current base state if different from the jurisdiction of first license. Applicants for

Licensure who are NCEES or NCARB Certificate holder's shall be exempt from this requirement.

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

3.4 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 or NCARB as appropriate.

C. All applicants must be able to speak, read and write in the English language as a requirement for licensing.

3.5 Interview

An applicant for examination or **licensure** shall appear before the Board for a personal interview, if necessary.

3.6 Reconsideration of Disapproval of Application

A. An applicant whose application for a license has been disapproved by the Board of Professional Licensing 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 **thirty (30)** 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 IV. FEES

4.1 Method of Payment

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 at the CNMI Treasurer's office.

4.2 Application Fees

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

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. License renewal fees must be paid on or before the license expiration date to avoid assessment of a delinquent fee.

B. Licensees whose fees are received after the renewal date shall be assessed a renewal fee and a delinquent fee for every month the licensee's fees are not received.

4.5 Schedule of Fees

Application Fees:

| | |
|------------------------------------|------------------|
| Initial Application | \$ 200.00 |
| Re-Consideration Application | 100.00 |
| Corporate Application | 300.00 |
| Examination Application | 100.00 |

Examination Fees:

| | |
|---|---------------|
| Fundamentals of Engineering (FE) | 75.00 |
| Principles and Practice of Engineering (PE) | 100.00 |
| Special Civil Seismic Examination | 200.00 |
| Structural I | 100.00 |
| Structural II | 150.00 |
| Fundamentals of Land Surveying (FLS) | 100.00 |
| Principles and Practice of Land Surveying (PLS) | 100.00 |
| CNMI Land Matters Exam | 50.00 |

NCARB Computerized A.R.E. - Follow NCARB's fee schedule for all divisions.

| | |
|--|---------------|
| Licensure Fees | |
| E.I.T./L.S.I.T. License | 100.00 |
| Initial License. | 300.00 |
| Corporate | 500.00 |
| Temporary Permit (all disciplines)..... | 250.00 |
| Renewal | |
| Bi-Annual | 250.00 |
| Delinquent (each month)..... | 25.00 |
| Corporate | 300.00 |
| Delinquent (each month)..... | 25.00 |
| Reinstatement..... | 250.00 |
| Replacement/Duplication of Certificate | 75.00 |

These examination fees will automatically change without notice once NCEES, NCARB or their examination vendor raise fees.

PART V. REQUIREMENTS FOR LICENSURE

5.1 Character and Reputation

An applicant shall be of good moral and ethical character and reputation.

5.2 Qualifications for Licensure

A. Engineering

1. Engineer Intern:

(a) Applicant graduated from a university/college accredited by ABET or CEAB with four (4) years of engineering curriculum and has taken and passed the Fundamentals of Engineering Examination; or

(b) Applicant graduated from a university/college not accredited by ABET or CEAB with four (4) years of engineering curriculum, has four (4) years of full-time lawful engineering experience, and has taken and passed the Fundamentals of Engineering Examination; or

(c) Applicant has eight (8) years of full-time lawful engineering experience and has taken and passed the Fundamentals of Engineering Examination.

2. Professional Engineer (PE):

(a) Applicant graduated from a university/college accredited by ABET or CEAB with a master's degree in the engineering branch applying for, has two (2) years of full-time lawful engineering experience in the engineering branch applying for, and has taken and passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering

branch applying for ; or

(b) Applicant graduated from a university/college accredited by ABET or CEAB with four (4) years of engineering curriculum in the engineering branch applying for, has four (4) years of full-time lawful engineering experience in the engineering branch applying for, and has taken and passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for ; or

(c) Applicant graduated from a university/college not accredited by ABET or CEAB with four (4) years of engineering curriculum in the engineering branch applying for, has eight (8) years of full-time lawful engineering experience in the engineering branch applying for, and has taken and passed the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for ; or

(d) Applicant has twelve (12) years of full-time lawful engineering experience in the engineering branch applying for and has taken and passed the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for.

B. Architecture

1. Architect:

(a) Applicant graduated from a university/college accredited by NAAB or CACB with a master's degree in architecture, has one (1) year of full-time lawful architectural experience and has taken and passed the Architect Registration Examination (ARE); or

(b) Applicant graduated from a university/college accredited by NAAB or CACB with five (5) years of architectural curriculum, has two (2) years of full-time lawful architectural experience, and has taken and passed the Architect Registration Examination; or

(c) Applicant graduated from a university/college not accredited by NAAB or CACB with four (4) years of architectural curriculum, has eight (8) years of full-time lawful architectural experience, and has taken and passed the Architect Registration Examination; or

(d) Applicant has twelve (12) years of full-time lawful architectural experience and has taken and passed the Architect Registration Examination.

C. Land Surveying

1. Land Surveyor Intern:

(a) Applicant graduated from a university/college accredited by ABET or CEAB and has completed four (4) years in general engineering with emphasis in land surveying curriculum and has taken and passed the Fundamentals of Land Surveying Examination; or

(b) Applicant graduated from a community college approved by the Board and has completed a civil engineering technology (survey option) curriculum of two years or more, has four (4) years of full-time lawful experience in land surveying, and has taken and passed the Fundamentals of Land Surveying Examination; or

(c) Applicant has eight (8) years of full-time lawful land surveying experience and has taken and passed the Fundamentals of Engineering Examination.

2. Professional Land Surveyor (PLS):

(a) Applicant graduated from a university/college accredited by ABET or CEAB and has completed four (4) years curriculum in general engineering with emphasis in land surveying, has four (4) years of full-time lawful land surveying experience and has taken and passed the Principles and Practice of Land Surveying Examination; or

(b) Applicant graduated from a community college approved by the Board or a university/college not accredited by ABET or CEAB, has completed a civil engineering technology (survey option) curriculum of two years or more, has eight (8) years of full-time lawful experience in land surveying, and has taken and passed the Principles and Practice of Land Surveying Examination; or

(c) Applicant has twelve (12) years of full-time lawful land surveying experience and has taken and passed the Principles and Practice of Land Surveying Examination.

D. Landscape Architecture

1. Landscape Architect:

(a) Applicant graduated from a university/college accredited by LAAB with four (4) years of landscape architectural curriculum, has four (4) years of full-time lawful landscape architectural experience, and has taken and passed the Uniform National Examination (UNE); or

(b) Applicant graduated from a university/college not accredited by LAAB with four (4) years of landscape architectural curriculum, has eight (8) years of full-time lawful landscape architectural experience, and has taken and passed the Uniform National Examination; or

(c) Applicant has twelve (12) years of full-time lawful landscape architectural experience and has taken and passed the Uniform National Examination.

5.3 Applicants with Degrees from Foreign Schools

Applicants who are graduates of a foreign college or university may have their college/university certified documents evaluated by an educational evaluation service approved by the Board, equating the degree toward a comparable U.S. degree. The Board has the discretion to approve the transcript evaluation or not. Any cost of evaluation shall be the responsibility of the applicant.

5.4 Experience

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, architecture, land surveying or landscape architecture, the following will be considered:

- 1. Field and office training under the supervision of licensed engineers, architects, land surveyors or landscape architects.**
- 2. Experience must be progressive on engineering, architectural, land surveying and landscape architectural projects to indicate that it is of increasing quality and requiring greater responsibility.**
- 3. Only lawful experience of an engineering, architectural, land surveying or landscape architecture, as the case may be, which follows graduation is creditable.**
- 4. Experience must not be obtained in violation of the statute, regulations or rules of professional conduct.**
- 5. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.**
- 6. Teaching experience to be creditable must be at an advanced level in a college or university offering an engineering, architectural, land surveying or landscape architecture curriculum, as the case may be, of four years or more that is approved by the Board.**

7. **Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is approved by the Board is creditable.**

8. 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 **may be up to two years.**

9. **Land surveyors are required that a substantial portion of the experience be spent in charge of work related to property conveyance and/or boundary line determination and, that they demonstrate adequate experience in the technical field aspects of the profession.**

10. 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.

11. Experience may not be anticipated. The required experience must have been gained prior to submittal of an application for examination.

5.5 References

A. References shall be individuals who are personally acquainted with the applicant and are able to **issue** judgements on the applicant's character and reputation, ability and experience.

B. Applicants for **licensure** shall submit the names and current addresses of five (5) references, three of the references must be **licensed** practitioners in the branch or profession in which **licensure** is requested. References must be able to provide information based upon first hand knowledge of the applicant's character, experience and professional qualifications.

C. **At least three (3) character references must be given for engineer intern or land surveyor intern licensure.**

D. Relatives of the applicant may not be used as references.

E. No **current** member of the Board may be used as a reference.

F. **Each applicant should inform the persons being used as references.**

G. For state board's verification, the Board shall accept only an official verification of **licensure** forwarded by the **state board** when sealed with the Board's seal and signed by a responsible board administrator, which issued the applicant's initial **license** 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 examination as set forth in **Section 5.5** of these regulations.

H. The applicant shall be responsible for requesting the transmittal of Council Records **from NCARB or NCEES** to the Board and paying all Council fees associated with the transmittal.

I. **It is the responsibility of the applicant to assure the return of a completed reference form to the board by the persons giving the reference within a reasonable time. This includes educational transcripts and verification of a license in other jurisdictions. All reference materials must be complete before any board action may be taken on an application.**

- J. The Board shall accept completed reference verification forms only when:
- a) received from the U.S. Postal Service or other delivery services, from the reference source directly;
 - b) hand-delivered to the Board Office by the reference himself or herself and the form is signed and sealed by the reference himself or herself.

K. Verification submitted by or passing thru the hands of the applicant shall not be accepted. Telefax transmittal of verification **or references** shall not be accepted unless followed by the original copy delivered to the Board as set forth above.

L. 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.

M. 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.

N. 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.

5.6 Examinations

A. General Provisions

1. The application and experience record submitted by an applicant for **licensure** 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.
2. The Board shall notify the applicant of the time, date and place of the examination along with any information the Board received from NCEES and NCARB for distribution to the examinees at least thirty (30) days prior to the examination date.
3. The applicant shall notify the Board as to whether 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 **five (5)** days from the date of mailing.
4. The Board shall adopt the recommendations of NCEES and NCARB 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.
5. **The Fundamentals of Engineering (FE) examination requirement may be waived to an applicant who has taken and passed the PE examination administered by another NCEES member board, is a licensed engineer in good standing, the requirements for licensure at the time the applicant was licensed are acceptable to this Board, and the applicant was waived from taking the FE by the state board where applicant was first licensed.**
7. The examination requirement may be waived, upon approval by the board, for an applicant who has taken and passed an examination administered by another NCEES or NCARB member Board, is a **licensed** professional in good standing, and if the requirements for **licensure** at the time the applicant was **licensed** are acceptable to this Board.
8. 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.
9. **Application to take the examination must be accompanied by the application and exam fees.**

B. Engineering Examinations

1. Classification of Engineering Examinations.

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 **licensure** as an Engineer as follows:

(a) FE - Fundamentals of Engineering Examination for Engineer **Intern** applicants (8 hours); and

(b) PE - Principles and Practice of Engineering Examinations for Professional Engineer in the appropriate engineering branch (8 hours).

(c) SE - Structural Engineering Examinations (16 hours, Structural I - 8 hours and Structural II - 8 hours).

(d) All civil engineering applicants (comity or by examination) are required to take and pass the **California Special Civil Seismic Examination** before they could qualify for **licensure**. Grading shall conform to current practices of the California Board of Registration for Professional Engineers and Land Surveyors (CBRPELS).

2. Eligibility of Applicant for an Engineering Examination.

(a) No applicant may sit for the FE, PE or SE 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 **licensure** except passage of the examination.

(b) An applicant for the PE or SE shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.

(c) No applicant may sit for the California Special Civil Seismic Examination until he or she has taken and passed the Civil Engineering Examination.

(d) An applicant for **licensure** as an Engineer **Intern** 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.

C. Architecture Examinations

1. The Board shall adopt the Architect Registration Examination (A.R.E.) prepared by NCARB as the standard for examination of applicants for **licensure** as an architect.

2. Grading shall conform to current practices of NCARB.

3. Eligibility of Applicant for a Architectural Examination.

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 **licensure** except passage of the examination.

D. Land Surveying Examinations

1. Classification of Land Surveying Examinations.

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 **licensure** as a Land Surveyor as follows:

(a) FLS – Fundamentals of Land Surveying Examination for Land Surveyors **Intern** applicant (8 hours);

(b) An applicant for the Practice of 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.

(c) PLS – Principles and Practice of Land Surveying Examination (6 hours) and CNMI Land Matters Examination (4 hours, if exam is in existence).

(d) CNMI Land Matters Examination – Applicants for comity **licensure** 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.

2. Eligibility of Applicant for a Land Surveying Examination.

(a) 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 **licensure** except passage of the examination.

(b) An applicant for the PLS shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Land Surveying Examination.

E. Examination Dates and Locations

Examination dates are determined by the Board based on recommendations by NCEES, NCARB or CBRPELS, respectively. The location of each examination is determined by the Board and is based upon the availability of acceptable examination space.

1. Engineering and Land Surveying Examinations

An applicant to sit for the Fundamentals of Engineering Examination, the Fundamentals of Land Surveying Examination, the Principles and Practice of Engineering Examination or the Principles and Practice of Land Surveying Examination shall file an application 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.

2. Architectural Examination

An applicant to sit for the computerized Architect Registration Examination (A.R.E.) shall file an application at least 90 days before he or she plan to take the examination. Applicants approved

by the Board to take the A.R.E. will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. The application must be accompanied by the application fee.

3. California Special Civil Seismic Examination

An applicant to sit for the California Special Civil Seismic Examination shall file an application 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 conducted by the Board in October.

F. The Board will not proctor any examinations for other jurisdictions.

G. Language

All examinations shall be in English language. The examinations shall not be translated into another language either orally or in writing.

H. Study Information

The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his or her own preparation material.

I. Instructions for Examinees

Instructions provided prior to each examination will declare an examination to be open or closed book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and calculators or computers which are self-powered and non-printing may be used. None of this material may be loaned or exchanged between or among examinees.

J. Failure to Sit for Examination

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. **Failure of an applicant to attend an examination for which he/she has been scheduled to attend does not count as a failure of the examination.**

K. Examination Results

Examination results will be provided in writing to each examinee showing the passing score approved by NCARB, NCEES or CBRPELS and the applicant's score.

L. Review of Failed Examinations

Review of failed examinations shall be in accordance with the policies of NCEES, NCARB, CBRPELS or the exam vendors contracted by these organizations.

M. Examination for Record Purposes

1. An Engineer, Architect, or Land Surveyor **licensed** by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fee.

2. Failure to pass an examination will in no way affect the current **license**.

N. Examination Offerings for Engineers and Land Surveyors

A candidate who has failed to successfully complete the examination and wishes to retake it must submit a written request for re-examination, accompanied by the appropriate fees, no later than **sixty (60)** days prior to the scheduled exam date. A candidate may retake the examination as many times as necessary, but must prepare a new application, as provided in Part III, and submit the required fees, every second year following his or her initial examination session.

O. Examination Offerings for Architects

Applicants approved by the Board to take the A.R.E. will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. If you failed a division, you must wait a minimum of six months before retaking it. You must make arrangements directly with the test center to retake a division.

PART VI. LICENSURE CLASSIFICATION

6.1 ENGINEERING

A. An applicant approved for **licensure** as an Engineer shall be **licensed** as an:

1. Engineer **Intern**; or
2. Professional Engineer

B. Professional Engineers shall be **licensed** in one of the recognized NCEES branches of engineering.

6.2 ARCHITECTURE

An applicant approved for **licensure** as an Architect shall be **licensed** as an Architect.

6.3 LAND SURVEYING

A. An applicant approved for **licensure** as a Land Surveyor shall be **licensed** as a:

1. Land Surveyor **Intern**; or
2. Professional Land Surveyor

6.4 LANDSCAPE ARCHITECTURE

An applicant approved for **licensure** as a Landscape Architect shall be **licensed** as a Landscape Architect.

VII. CERTIFICATE OF AUTHORIZATION

7.1 GENERAL PROVISIONS

A. Pursuant to 4 CMC, Div. 3, Section 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 **licensed** 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 Section 7.2 A below.

B. It is in violation of these regulations for a partnership or corporation to engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth unless the partnership or corporation is holding a Certificate of Authorization issued by the Board of Professional Licensing.

C. It is also a violation of these regulations for partnerships or corporations to advertise the practice of any branch of engineering, architecture, land surveying or landscape architecture unless the partnership or corporation is **licensed** with the Board of Professional Licensing and holds a Certificate of Authorization.

7.2 LICENSURE REQUIREMENTS

A. Form C-64 shall be completed and prepared in accordance with, signed by an authorized partner or corporate officer and should contain the following information:

- 1.** That the person whose name is being filed is duly **licensed** and possesses a valid certificate **or license** therefor in the Commonwealth in the appropriate profession;
- 2.** That such person is designated as being directly in charge of the professional work, including construction inspection, performed by the partnership or corporation;
- 3.** That such person is a full-time employee or partner of a partnership or officer of the corporation;
- 4.** That such person has been delegated the legal authority to bind the partnership or corporation in all matters relating to the professional work;
- 5.** That should there be any change in the status of any person on file, whether as to valid **certificate or license**, 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. 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 **or her** conduct or acts performed by reason of his **or her** employment or by relationship with such partnership or corporation.

C. A **licensee** may not perform work for a corporation or partnership unless that corporation or partnership is in compliance with the registration requirements of the Commonwealth of the Northern Mariana Islands Registrar of Corporations of the Office of the Attorney General. It is the duty of each **engineer, architect, land surveyor or landscape architect** working in the CNMI for a corporation or partnership to obtain and file with the Board a copy of the following:

1. A Certificate of Registration for a corporation not incorporated in the CNMI (also known as a foreign corporation); or
2. A Certificate of Incorporation for a corporation formed in the CNMI; or
3. A file stamped Partnership Registration statement; and
4. A business license issued by the CNMI Department of Commerce office.

D. The **licensee** must file said documents with the Board for each corporation or partnership for whom he/she performs work in the CNMI, as such work occurs, and as part of the license application and renewal process.

PART VIII. CERTIFICATES OR LICENSES

8.1 ISSUANCE OF CERTIFICATES OR LICENSES

A. Upon completion of all the requirements for **licensure**, the Board shall issue a **certificate or license** to an applicant. The **certificate or license** shall identify the applicant as an Engineer **Intern**, a Professional Engineer, Architect, Land Surveyor **Intern**, Professional Land Surveyor or a Landscape Architect, as the case may be.

B. In the case of a **license** issued to a person authorizing such person to practice professional engineering, the **license** shall also indicate the major branch or branches of engineering in which the person has specially qualified.

8.2 LICENSE NUMBER

Each **licensee** shall be assigned a **license** number at the time **licensure** is approved by the Board. Numbers are issued consecutively and separately for professional Engineers, Architects, Land Surveyors and Landscape Architects in the order in which the applications are approved.

8.3 CERTIFICATE/LICENSE

The certificate or license shall be in the form required by Law, and as otherwise approved by the Board.

8.4 ENGINEERING BRANCHES

The license for a professional engineer or engineering firm shall designate the branch in which such person or firm is licensed to practice.

8.5 DISPLAY

Every person licensed as an individual and every partnership, corporation, association and joint venture maintaining an office or other place of business for the practice of his/her or its profession, shall display his/her or its original certificate or license or Certificate of Authorization or together with evidence of current validation in a conspicuous manner, in his/her or its principal office of place of business.

8.6 REPLACEMENT

Upon submittal of a request and a notarized affidavit attesting to loss, destruction or mutilation of the original certificate or license, a licensee in good standing will be furnished a new certificate or license upon payment of a replacement fee.

8.7 PROHIBITED ACT

It is expressly prohibited, and is a violation of these regulations for any licensee to use his/her license 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 licensee may use his/her authorization hereunder for any plans or work performed by any other person or entity unless the licensee is a full time employee of such person or entity, or a partner or officer of such entity; and such acts of the licensee must be in full compliance with the law, rules and regulations.

PART IX. SEALS

9.1 BOARD SEAL

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

9.2 SEAL OF LICENSURE

A. The seal shall be a rubber stamp, an electronically digitized seal or a metal impression seal. The licensee is required to use 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 licensee and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Professional Engineer," "Architect", "Professional Land Surveyor," or "Landscape Architect" together with the license number, shall appear in the center space.

B. In the case of an engineer, the license shall also indicate the branch of engineering below the word "Professional". There must be a separate stamp for each engineering branch they are licensed to practice.

C. Whenever a seal is applied, the licensee's original signature and date of the signature shall be written adjacent to or across the seal. A facsimile signature or electronically digitized signature will not be acceptable.

D. The seal shall be signed and dated by the licensee in such a manner that the seal, signature and date will be legible when reproduced.

E. Authorized use of the prescribed seal is an individual act, therefore, the licensee shall personally inscribe the seal. The licensee is responsible for its security at all times. The licensee shall permit no other person or entity to use the prescribed seal.

9.3 SEAL ON DOCUMENTS

A. The seal and signature of the licensee shall be placed on all final engineering, architectural, land surveying or landscape architectural specifications, reports, drawings, plans, design information, calculations, land surveys and plats whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under his or her direct supervision.

B. Working drawings, unfinished documents, in-progress drawings or documents may or may not have a seal and signature. A working drawing or document must, however, contain a statement to the effect "Preliminary, Not for Construction, Recording Purposes, or Implementation".

C. The seal or stamp shall be prima facie evidence that the work was prepared by or under the direct supervision or control of the licensee named on the seal and the licensee accepts full responsibility and liability for the professional work represented.

D. Licensees shall approve and seal only those design documents and surveys which are safe for public health, property and welfare in conformity with accepted engineering, architectural and land surveying standards.

E. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reinstated.

F. Pursuant to Section 3219 (e) of 4 CMC, Div. 3, 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 licensed architect

holding an unexpired **license** or with the seal of a **licensed** engineer holding a **license** on which has been indicated that he or she 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 **licensed** land surveyor.

G. The **licensee'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.

H. When the document contains more than one sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each drawing shall be sealed and signed by the licensee responsible for each sheet. When a firm, partnership, or corporation performs the work, each drawing shall be sealed and signed by the licensee who actually did the work. The principal in responsible charge shall sign the seal on the first or title page.

I. When a **licensee** 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.

J. When a CNMI **licensee** certifies the work of an out-of-state **licensor**, the CNMI **licensee** 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.

9.4 DESIGN CERTIFICATION

A. All design work prepared by or under the supervision of a **licensed** Professional Engineer, Architect, Land Surveyor or Landscape Architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the **licensee** thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Signature

B. A **licensed** engineer, architect, land surveyor, or landscape architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local government agencies, are not authorized or approved by the **licensed** engineer, architect, land surveyor, or landscape architect who originally signed the plans, specifications, reports, reports, or documents,

provided that the engineering, architectural, land surveying, or landscape architectural service rendered by the engineer, architect, land surveyor, or landscape architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

9.5 CONSTRUCTION INSPECTION

A. In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly **licensed** 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:

CONSTRUCTION **INSPECTION** OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

B. When an Engineer, Architect, or Landscape Architect has responsibility for the design and construction **inspection**, the certification shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
CONSTRUCTION **INSPECTION** OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

C. Any **licensed** engineer, architect, or landscape architect sealing or stamping plans, specifications, reports, or documents shall not be imposed a legal duty or responsibility to be in charge of the construction inspection work on the construction which are the subject of the plans, specifications, reports, or documents. However, nothing in this section shall preclude an engineer, architect, or landscape architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction supervision services.

D. In the event the **licensed** Engineer, Architect, or Landscape Architect whose seal or stamp and signature appears in connection with the foregoing statement concerning inspection of construction, shall be removed, replaced or otherwise unable to discharge his or her duties; such **licensed** Engineer, Architect, or Landscape Architect shall so notify the Board within fifteen (15) days, and such notification shall include the name, if known, of the **licensed** Engineer, Architect, or Landscape Architect charged with continuing the construction inspection.

9.6 CONSTRUCTION MANAGEMENT SERVICES

A **licensed** engineer or architect may also practice, either in a public or private capacity, construction management services, including, but not limited to, construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project

scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

9.7 ENGINEER'S SEAL

A. The seal and signature of a **licensed** professional Engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form which involves the practice of engineering as defined herein.

B. The seal and signature of an Engineer, **licensed** 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 or an architect;
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 **licensed** in the appropriate branches as well as an architect.

D. Documents for foundations of pre-engineered structures sealed and signed by a professional engineer **licensed** in another jurisdiction shall also be reviewed and sealed and signed by a civil or structural engineer **licensed** in the Commonwealth.

9.8 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 X. TEMPORARY LICENSES

10.1 REQUIREMENTS

A. **The Board may grant a temporary license to a person who is not a resident of the Commonwealth or who has no established place of business and who desires to practice on a limited basis architecture, engineering, land surveying or landscape architecture in the Commonwealth, provided such person is legally qualified and licensed in his or her jurisdiction and that his or her qualifications for obtaining the license meet those required for licensure by this Board.**

B. A temporary license shall be granted for each specific job which length of time not to exceed one (1) year and shall provide that there is no right to practice architecture, engineering, land surveying or landscape architecture with respect to any other works not set forth in the temporary license.

C. Consecutive temporary licenses may be issued but only for the purpose of completing the specific job for which the original temporary license was issued.

PART XI. RENEWALS AND REINSTATEMENTS

11.1 RENEWALS

A. Certificates or licenses shall be renewed on a biannual basis. Renewal of all certificates or licenses shall be every two years following their issuance or renewal.

B. Failure of a licensure to renew on or before the expiration date shall render the license or Certificate of Authorization null and void.

C. A renewal notice shall be mailed by the Board to the last known address of each individual holding a license and to each partnership, corporation, association or joint venture holding a Certificate of Authorization indicating the date of expiration of the certificate or license and the amount of the renewal fee.

D. Each sole practitioner holding a license and each corporation holding a Certificate of Authorization, or Temporary License 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.

E. Temporary Licenses shall not be renewable.

F. Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal.

G. Renewal fees paid by mail shall be considered as paid if the envelope bears a postmark no later than the date of expiration.

H. Responsibility for the timely payment of the renewal fee rests solely with the licensee.

11.2 REINSTATEMENT

A. A licensee whose certificate or license has expired and lapsed for more than one year by failure to renew must file a new application and receive Board approval for reinstatement.

B. A **licensee** 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 **license** may retain the **license** for later use upon reinstatement and payment of a reinstatement fee.

PART XII. PROFESSIONAL CONDUCT

12.1 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.

12.2 KNOWLEDGE OF THE RULES

All persons **licensed** 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 **licensee** and applicant for **licensure**.

12.3 CONVICTIONS

Any individual or corporate licensee of this Board who has been fined; received a reprimand; had a certificate or license to practice revoked, suspended, denied; convicted of a crime related to the engineering, architectural, land surveying or landscape architect profession by another jurisdiction; or who for reasons or causes which this Board finds would constitute a violation of the law or any provision of these rules and regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the Commonwealth shall be subject to a fine, reprimand, revocation or suspension by this Board of the certificate or license to practice in the Commonwealth. It is the duty of each licensee to report a conviction to the Board within 10 days following entry of such conviction, notwithstanding any appeal.

12.4 ENFORCEMENT

The Attorney General of the Commonwealth of the Northern Mariana Islands has the authority to enforce the provisions of 4 CMC, Div. 3, and to assist the Board in ensuring compliance with these regulations. The Attorney General serves as legal advisor to the Board and renders such legal assistance as may be necessary in carrying out these provisions.

PART XIII. DISCIPLINARY ACTION: REPRIMAND, SUSPENSION OR REVOCATION; REFUSAL TO ISSUE, RESTORE, OR RENEW OF CERTIFICATES OR LICENSES

13.1 DISCIPLINARY ACTION

A. The Board shall have the power to impose an administrative penalty and/or reprimand; revoke, or suspend; refuse to issue, restore, or renew; the certificate or license of any person who is found guilty of on one or more of the following violations as prescribed by Section 3218 of 4 CMC, Div. 3:

- 1. Any fraud or deceit in obtaining or attempting to obtain or renew the certificate or license or the certificate of authorization; or**
- 2. Gross negligence, incompetency, or misconduct in the practice of his or her profession; or**
- 3. Conviction of or pleading guilty to a crime related to their profession either in the Commonwealth or in another state or jurisdiction. A certified copy of the judgement of the court 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; or**
- 4. Signing, affixing the licensee's seal, or permitting the licensee's seal or signature to be affixed to any specifications reports, drawings, plans, plats, design information, construction documents or calculations, or revisions thereof, which have not been prepared by the licensee responsible or his or her direct personal supervision; or**
- 5. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or**
- 6. Practicing, offers to practice, or holding him or herself out as authorized and qualified to practice professional engineering, architecture, land surveying or landscape architecture, except as provided in Sections 3213 and 3215; or**
- 7. Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", or "landscape architecture", any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or**
- 8. Using or attempts to use as his or her own the seal or the certificate or license of another; or**
- 9. Falsely impersonating any duly licensed architect, engineer, land surveyor or landscape architect; or**
- 10. Using or attempts to use an expired, suspended, or revoked certificate or license; or**

11. Any firm, corporation or individual which advertises or offers to furnish architectural, engineering, land surveying or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, project, or utility in the Commonwealth, without first having completed Section 3220, or otherwise complied with the requirements of this Act.

B. The Board may also take disciplinary action against a licensee who is found guilty of the following:

1. Any act or omission which fails to meet the generally accepted standards of engineering, architectural, land surveying and landscape architect practice; or
2. 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; or
3. Use of false, deceptive, or misleading advertising; or
4. Performing services beyond one's competency, training, or education; or
5. Failure to report to the board any licensee known to have violated any provision of any board order, rules or regulations; or
6. Failure to report to the board any malpractice claim against such licensee or any firm, partnership, corporation, or joint-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 licensee.

C. Upon conviction in a court of law any person or firm who violates any of the provisions of this Chapter or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

13.2 DISCIPLINARY PROCEEDINGS

A. Complaint

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a corporation's Certificate of Authorization may be initiated by any person who may file charges against the licensee.

1. **All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.**
2. **All charges shall be made on forms provided by the Board. The person or persons making the complaint shall sign the complaint.**

B. Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an Investigative Committee designated by the Board consisting of at least one board member and the Board's legal counsel. The member of the board in the Investigative Committee cannot vote at the disciplinary hearing. The Investigative Committee makes a recommendation to the Board for a determination if probable cause exists for taking further action or for issuing a summons and complaint.

C. Summons and Complaint

1. In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.

2. The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statute, rules, or regulations involved, and a short and plain statement of the matters asserted. The summons and complaint shall indicate that at any hearing the accused licensee or corporation shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses for his/her or its own defense.

3. The summons and complaint shall be personally served or sent by registered mail at least thirty (30) days before the date fixed for the hearing to the licensee's or corporation's last known address.

4. If the accused licensee or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

D. Until an investigation is completed and administrative charges are filed against the licensee, or the matter is referred to the Attorney General for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P.L. 8-41, the Open Government Act of 1992.

E. The Board shall conduct all hearings pursuant to 1 CMC, Section 9109 Administrative Procedures - Conduct of Hearings.

F. The members of the Board presiding at hearings may:

1. Administer oaths and affirmations;

2. **Issue subpoenas to compel the attendance of witnesses and the production of records and documents;**
 3. **Rule on offers of proof and receive relevant evidence;**
 4. **Take depositions or have depositions taken when the ends of justice would be served;**
 5. **Regulate the course of the hearing;**
 6. **Hold conferences for the settlement or simplification of the issues by consent of the parties;**
 7. **Dispose of procedural requests or similar matters; and**
 8. **Make or recommend orders or decisions in accordance with this Chapter.**
- G. It shall require a unanimous majority 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 may, in its discretion, either revoke or suspend the certificate or license of the accused.**
- H. The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.**

PART XIV. REINSTATEMENT

14.1 REINSTATEMENT OF LICENSURE AFTER REVOCATION

A. Upon petition of an individual license or corporation holding a certificate of authorization, the Board may reissue a license or authorization provided that a majority of the members of the Board votes in favor of such issuance. The petition must clearly and concisely set forth reasons for requesting reinstatement.

B. For reason(s) the Board deems sufficient, an expired or revoked license or certificate of authorization may be reinstated.

XV. ADVERTISING PRACTICES

15.1 ADVERTISING

It is in violation of these regulations for any individual, partnership or corporation to advertise as a professional engineer, architect, land surveyor or landscape architect unless such individual, partnership or corporation holds a **license** or a certificate of authorization.

PART XVI. BOARD RECORDS

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

16.2 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, Expired license | 2 years |

PART XVII. 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 XVIII. ADOPTION AND AMENDMENT OF REGULATIONS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR AND IMMIGRATION
SECOND FLOOR, AFETNA SQUARE BLDG., SAN ANTONIO, SAIPAN, MP (USA) 96950


NOTICE AND CERTIFICATION OF ADOPTION OF REGULATIONS


REGARDING THE IMPLEMENTATION OF PUBLIC LAW 11-6,

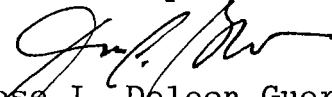
THE MORATORIUM ON HIRING NON-RESIDENT WORKERS

I, Mark Zachares, Secretary of the Department of Labor and Immigration which is promulgating the Regulations Regarding the Implementation of Public Law 11-6 (The Moratorium on Hiring Non-resident Workers) adopted as Emergency Regulations on June 16, 1998, and published in the Commonwealth Register Vol. 20, No. 7 on July 15th, 1998 at pages 15970 through and including 15977, by signature below hereby certify that as published such Regulations are a true, complete and correct copy of the Regulations Regarding the Implementation of Public Law 11-6, previously proposed by the Department of Labor and Immigration and adopted as Emergency Regulations, which after expiration of the appropriate time for public comment, have been adopted without modification or amendment. I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of October, 1998 at Saipan, Commonwealth of the Northern Mariana Islands.


Filed by: 
SOLEDAD B. SASAMOTO
Registrar of Corporations


Mark D. Zachares, Secretary
Department of Labor and Immigration

Received by: 
Jose I. Deleon Guerrero,
Special Assistant for Admin.

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the amended rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 14th day of October, 1998.

By: 
Maya B. Kira, Acting Attorney Gen.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR AND IMMIGRATION
SECOND FLOOR, AFETNA SQUARE BLDG., SAN ANTONIO, SAIPAN, MP (USA) 96950

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED REGULATIONS

REGARDING SECURITY AND MANPOWER COMPANIES

AND SERVICE PROVIDERS

I, Mark Zachares, Secretary of the Department of Labor and Immigration which is promulgating the Regulations Regarding Security Guard and Manpower Companies and Service Providers adopted as Emergency Regulations on June 16, 1998, and published in the Commonwealth Register Vol. 20, No. 7 on July 15th, 1998 at pages 15978 through and including 15983, by signature below hereby certify that as published such Regulations are a true, complete and correct copy of the Regulations Regarding Security Guard and Manpower Companies and Service Providers, previously proposed by the Department of Labor and Immigration and adopted as Emergency Regulations, which after expiration of the appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

1. Sections 1-5: change "service providers" to "service providers providing help supply or manpower services"
2. Section 5, subpart (4): this subpart shall read as follows (changes in bold):
a cash bond **or standby letter of credit** in the amount of three months wages and one-way airfare to the employee's place of origin **and \$ 3,000 for potential medical expenses or a bond for \$3,000 in potential medical expenses.**

By signature below, I hereby certify that the Emergency Regulations Regarding Security Guard and Manpower Companies and Service Providers as amended herein are the true, correct and complete Amended Regulations Regarding Security Guard and Manpower Companies and Service Providers adopted by the Department of Labor and Immigration. I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of October, 1998 at Saipan, Commonwealth of the Northern Mariana Islands.

Mark D. Zachares, Secretary
Department of Labor and Immigration



Office of the Secretary
Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

TEL. (670) 664-1100 FAX: (670) 664-1115

NOTICE OF ADOPTION

DEPARTMENT OF FINANCE
AMENDED CUSTOMS SERVICE REGULATIONS
NO. 4300

The Secretary of Finance, hereby adopts as amended regulations for the Division of Customs Service, the proposed amended Customs Service Regulations No. 4300, which were published in the April 15, 1998, Commonwealth Register, Volume 20, Number 04. The amended Customs Service Regulations are promulgated by virtue of the authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402(d) and 4 CMC §1818, and the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq.

Amended Customs Service Regulations No. 4300 makes applicable the change in rate for the first sale or distribution of liquid fuel tax pursuant to the enforcement of Public Law 9-22. No comments to this amendment was received. No changes were made to the amended Customs Service Regulations No. 4300. Copies of this amended Customs Service Regulations No. 4300 may be obtained from the Office of the Secretary of Finance, Capitol Hill, P.O. Box 5234, CHRB, Saipan, MP 96950.

Amended Customs Regulations No. 4300 become effective on October 25, 1998.

Issued by: Lucia DLG. Nielsen 10/7/98
LUCIA DLG. NIELSEN Date
SECRETARY OF FINANCE

Received by: Jose I. DeLeon Guerrero 10/15/98
JOSE I. DELEON GUERRERO Date
Special Assistant for Admin.

Filed and Recorded by: Soledad B. Sasamoto 10/15/98
SOLEDAD B. SASAMOTO Date
REGISTRAR OF CORPORATIONS

PURSUANT TO 1 CMC §2153 AS AMENDED BY PL 10-50 THE RULES AND REGULATIONS ATTACHED HERETO HAVE BEEN REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE CNMI ATTORNEY GENERAL'S OFFICE.

DATED THIS 13th DAY OF October, 19 98

ATTORNEY GENERAL [ACTING]
MAYA KARA
BY: [Signature]
ASSISTANT ATTORNEY GENERAL



Office of the Secretary
Department of Finance

P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL. (670) 664-1100

FAX: (670) 664-1115

CERTIFICATION OF ADOPTION

DEPARTMENT OF FINANCE

AMENDED CUSTOMS SERVICE REGULATIONS

NO. 4300

I, Lucia DLG. Nielsen, Secretary of the Department of Finance who is publishing the "Notice of Adoption of Amended Customs Service Regulations No. 4300", by signature below hereby certifies that the Amended Customs Service Regulations No. 4300 is a true, correct, and complete copy of the regulations adopted by the Department of Finance. I further request and direct that this certification and the "Notice of Adoption of Amended Customs Service Regulations No. 4300" be published in the Commonwealth Register.

I declare under penalties of perjury that the foregoing is true and correct and that this declaration was executed on the 7th day of October, 1998, at Saipan, Commonwealth of the Northern Mariana Islands.



LUCIA DLG. NIELSEN
Secretary of Finance

PURSUANT TO 1 CMC §2153 AS AMENDED BY PL 10-50 THE RULES AND REGULATIONS ATTACHED HERETO HAVE BEEN REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE CNMI ATTORNEY GENERAL'S OFFICE.

DATED THIS 13th DAY OF October, 1998.

ATTORNEY GENERAL [ACTING]
MAYRA KAT

BY:


ASSISTANT ATTORNEY GENERAL

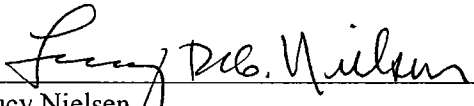
NOTICE OF ADOPTION
OF AMENDMENTS TO THE RULES AND REGULATIONS
FOR THE OPERATION OF PACHINKO SLOT MACHINES
IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
NUMBER 2400

WHEREAS, on June 15, 1998, the CNMI Secretary of Finance published Proposed Amendments to the "Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands" in the CNMI Commonwealth Register of June 15, 1998 Vol. 20, No. 6 at pages 15947 - 15951; and,

WHEREAS, contemporaneous with the publication of the Amended Rules and Regulations for the Operation of Pachinko Slot Machines Regulations, a notice and solicitation of public comment was also published in the Commonwealth Register; and,


WHEREAS, a period in excess of thirty days has elapsed since such publication and the CNMI Secretary of Finance has received and reviewed all comments regarding the Amended Rules and Regulations for the Operation of Pachinko Slot Machines Regulations, and having received no requests for issuing a statement of the principal reasons for and against the adoption pursuant to 1 CMC §9104(a)(2), and for good cause appearing;

By signature below, the Acting Secretary of Finance gives notice that the CNMI Department of Finance has adopted, on a permanent basis, the Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands, No. 2400 originally promulgated on June 15, 1998.



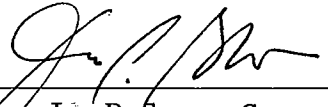
Lucy Nielsen
Secretary of Finance

Date: 9/14/98

Filed by: 

Soledad B. Sasamoto
Registrar of Corporations

Date: 10/15/98

Received by: 


Jose I. Deleon Guerrero
Special Assistant for Admin.

Date: 10/15/98

Pursuant to 1 CMC §2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 13 of Oct., 1998

Maya B. Kara
Attorney General

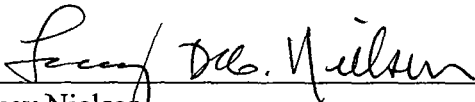
By: 

Assistant Attorney General

**CERTIFICATION OF THE ADOPTION OF THE AMENDMENTS
TO REVENUE AND TAX REGULATIONS NO. 2400**

I, Lucy Nielsen, Secretary of the Department of Finance which has promulgated the Amendments to the Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands No. 2400, by signature below, do hereby certify that such Amendments, as published in the Commonwealth Register on June 15, 1998, Vol. 20, No. 6 at pages 15947 to 15951, are a true, complete and correct copy of the Amendments to the Rules and Regulations for the Operation of Pachinko Slot Machines in the Commonwealth of the Northern Mariana Islands, No. 2400 adopted by the CNMI Department of Finance. I further request and direct that this certification and the Notice of Adoption be published in the Commonwealth Register.

I declare under penalties of perjury that the forgoing is true and correct and that this declaration was executed the 14 day of September, 1998, on the island of Saipan, Commonwealth of the Northern Mariana Islands.



Lucy Nielsen
Secretary of Finance



EQUAL HOUSING OPPORTUNITY

NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS OF APPENDIX D, HOUSEHOLD INCOME SCHEDULE

We, Juan S. Tenorio, Chairman of the Board, and MaryLou S. Ada, Corporate Director of the Northern Marianas Housing Corporation (NMHC), which has promulgated Amendments of Appendix D, Household Income Schedule, under the NMHC/MPLT Home Loan Regulations, as published in the Commonwealth Register, Volume 18, No. 12, at page 14744 on December 15, 1996, Volume 19, No. 02 on February 15, 1997 and Volume 20, No. 07, on June 15, 1998, at page 16082, by signature below, hereby certify that, as published, such Amendments are a true, complete and correct copy of the Appendix D, Household Income Schedule previously proposed by the NMHC Board which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. We further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 19th day of August, 1998, at Saipan, Commonwealth of the Northern Mariana Islands.

JUAN S. TENORIO
Chairman of the Board

MARYLOU S. ADA
Corporate Director

9/9/98

Date

Received by:

JOSE I. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor

9/10/98

Date

Filed by:

SOLEDAD SASAMOTO
Registrar of Corporation

Pursuant to CMC 2153 as amended by PL 19-59 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this Oct 14 day of 1998

Robert B. Dunkley, II
Attorney General (Acting)

By:

Assistant Attorney General

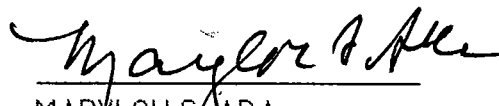
NUTISIA YAN SETTIFIKASION MA ADAPTAN
AMENDASION GI
APPENDIX D, LISTAN APAS TAOTAO HALOM GUMA'

Hami, Juan S. Tenorio, Chairman o Board yan si MaryLou S. Ada, Corporate Director gi Northern Marianas Housing Corporation (NMHC), ni chumo'gue i Amendasion gi Appendix D, Listan Apas Taotao Halom Guma, gi papa Regulaion NMHC/MPLT Home Loan, ni manmapupblika gi Rehistran Commonwealth, Baluma 18, Numiru 12, gi pahina 14744 gi Disembre 15, 1996, Baluma 19, Numiru 02 gi Febrero 15, 1997 yan Baluma 20, Numiru 07, gi Hunio 15, 1998, pahina 16082, ginen i fitman-mame, in settifika na, komu mapupblika, ayu siha na Amendasion manmagahet, kumplidu yan dinanche na kopian i Appendix D, Lista Apas Taotao Halom Guma' ni hagas mapropopone ni NMHC Board, ni despues di uttimun i tetminu ni manmana'e i publiku para u fana'halom komento esta ma adapta sin hafa na tinulaika pat amendasion. Lokkue' in rekuesta yan dirihi na este na Nutisia yan Settifikasion Ma adapta u mapupblika ensigidas gi Rehistran Commonwealth.

In deklaracion na gi papa penan chatmanhu'la na i manmofona magahet, yan dinache ya este na deklarasion ma chogue gi mina' 19th na dia guine na mes August, 1998, giya Saipan, Commonwealth i Sangkattan Siha na Islas Marianas.




JUAN S. TENORIO
Chairman i Board



MARYLOU S. ADA
Corporate Director

9/9/98

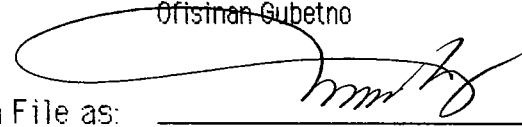
Fecha

Rinsibi as: 

JOSE I. DELON GUERRERO
Special Assistant for Administration
Ofisinaan Gubetno

9/10/98

Fecha

Ma File as: 

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

**ARONGORONG ME APPELÚGHÚLÚGH REEL ADOPTIONUL LLIWEL
KKAAL REEL MILLE APPENDIX D. HOUSEHOLD INCOME SCHEDULE**

Yáámem, Juan S. Tenerio, Chairmanil Board, me MaryLou S. Ada, Corporation Director mellól Northern Marianas Housing Corporation(NMHC) iye rekke arongaawow Lliiwel kkaal reel mille Appendix D. Household Income Schedule, iye e lo faal NMHC / MPLT Home Loan Regulation, iye a póblikalong Commonwealth Register, Volume 18, No. 12, iye e lo reel peigh 14744 llól maram we Tumwur(December) 15, 1996, Volume 19, No. 02 llól maram we Maischigh(February) 15, 1997 me Volume 20, No. 07, llól maram we Alimaté(June) 15, 1998 reel peigh 16082, reel signature ye e lo faal, e appelúgh bwe, meta kka a póblika, reel Lliiwel kkaal nge e ellet, scheescheel me e welewel kopiyaal Appendix D. Household Income Schedule ikka re pomwoli mwo mereel NMHC Board iye mwiril takkelóól(expiration) reel atotolongol yaar toulap mángemáng, ayegh, iye a adopted ló nge esóór modification ngare lliiwel. Ay bwal tingór me afalafala bwe Arong me Appelúghúlúghúl Adoption yeel ebwe póblikalong CNMI Commonwealth Register.

Ay ppol faal mwuttaal raturut bwe meta kka a lo nge e ellet me welewel me deklarasion yeel nge iye a appelúgh ló llól rál ye 19th llól maramal August, 1998, mewóól Seipél, Commonwealth Metawal Wóól Falúw Kka Marianas.




JUAN S. TENERIO
Chairmanil Board

9/9/98

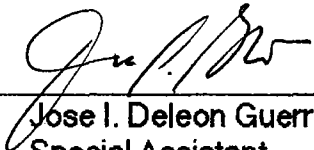
Rál

9/10/98

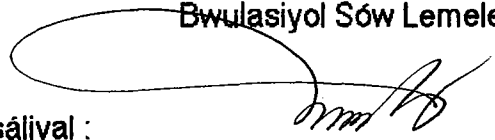
Rál



MARYLOU S. ADA
Corporate Director

Bwughiyal : 

Jose I. Deleon Guerrero
Special Assistant
mellól Administration
Bwulasiyol Sów Lemelem

Isáliyal : 

Soledad Sasamoto
Registrar of Corporation



NORTHERN MARIANAS HOUSING CORPORATION

In accordance with the provisions of the Act, the amendments attached hereto have been reviewed and approved as to form and legal effect by the Attorney General's Office.

Dated this 14 day of Oct, 1998

EQUAL HOUSING OPPORTUNITY

MAYA B. KARA
Reber B. D...
Attorney General (acting)
Tels: (670) 234-6866
234-9447
234-7689
234-7670
Assistant Attorney General (670) 234-9021
Elliott A. Sattler

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDMENTS OF LOAN PROCESSING PROCEDURES

We, Juan S. Tenorio, Chairman of the Board, and MaryLou S. Ada, Corporate Director of the Northern Marianas Housing Corporation (NMHC), which has promulgated Amendments of Loan Processing Procedures, as published in the Commonwealth Register, Volume 19, No. 09, at pages 15662 to 15667, on September 15, 1997, Volume 19, No. 11 on November 15, 1997, Volume 20, No. 01 on January 15, 1998, at pages 15814 to 15821, Volume 20, No. 07, on July 15, 1998, at pages 16049 to 16071, by signature below, hereby certify that, as published, such Amendments are a true, complete and correct copy of the Loan Processing Procedures previously proposed by the NMHC Board which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. We further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 19 day of August, 1998, at Saipan, Commonwealth of the Northern Mariana Islands.

JUAN S. TENORIO
Chairman of the Board

MARYLOU S. ADA
Corporate Director

9/9/98

Date

Received by:

JOSE I. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor

9/10/98

Date

Filed by:

SOLEDAD SASAMOTO
Registrar of Corporation

**ARONGORONG ME APPELÚGHÚLÚGHÚL ADOPTIONUL LLIWEL
KKAAL REL MILLE LOAN PROCESSING PROCEDURES**

Yáámem, Juan S. Tenerio, Chairmanil Board . me MaryLou S. Ada, Corporate Director mellól Northern Marianas Housing Corporation(NMHC), iye ekke arongaawow Lliwel kkaal reel mille Loan Processing Procedures, iye a póblikalong Commonwealth Register, Volume 19, No. 09, iye e lo reel peigh 15662 ngáli 15667, llól maram we Maan(September), 15, 1997, Volume 20, No. 01 llól maram we Schoow(January), 15, 1998, iye e lo peigh 15814 ngáli 15821, Volume 20, No. 07, llól maram we Wuun(July), 15, 1998, iye e lo peigh 16049 ngáli 16071, reel signature ye e lo faal, e appelúgh bwe meta kka a póblika, reel Lliwel kkaal nge e ellet, scheescheel, me e welewel kopiyaal mille Loan Processing Procedures ikka re pomwoli mwo mereel NMHC Board mwiril takkalóól(expiration) reel atotolongol yaar toulap mángmáng, ayegh, iye a adopted ló nge esóór modification ngare lliwel. Ay bwal tingór me afalafala bwe Arong me Appelúghúlúgh yeel ebwe kkayil póblikalong Commonwealth Register.


Ay ppol faal mwuttaal raturut bwe meta kka e lo nge e ellet me welewel me deklarasiyon yeel nge iye a appelúgh ló llól rál ye 19th llól maramal Aúgust, 1998, mewóól Seipél, Commonwealth Metawal Wóól Falúw Kka Marianas.



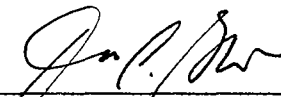
JUAN S. TENERIO
Chairmanil Board

9/9/98
Rál

9/10/98
Rál



MARYLOU S. ADA
Corporate Director

Bwughiyal : 

Jose I. Deleon Gueerrero
Special Assistant
mellól Administration
Bwulasiyol Sów Lemelem

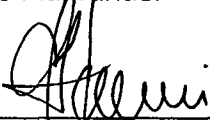
Isáliyal : 

Soledad Sasamoto
Register of Corporation


**NUTISIA YAN SETTIFIKASION MA ADAPTAN
AMENDASION GI
LOAN PROCESSING PROCEDURES
(KONDISON YAN MANERA PUT INAYAO SALAPE)**

Hami, Juan S. Tenorio, Chairman i Board yan MaryLou S. Ada, Corporate Director gi Northern Marianas Housing Corporation (NHMC), ni chumo'gue i Amendasion gi Loan Processing Procedures (Kondision yan Manera Put Inayao Salape), ni mapupblika gi Rehistran Commonwealth, Baluma 19, Numiru 09, pahina 15662 asta 15667, gi Septembre 15, 1997, Baluma 19, Numiru 11 gi Nobembre 15, 19997, Baluma 20, Numiru 01, Ineru 15, 1998, pahina 15814 asta 15821, Baluma 20, Numiru 07, Hulio 15, 1998, pahina 16049 asta 16071, ginen i fitman-mame gi sampapa, in settifika na, komu mapupblika este siha na Amendasion manmagahet, kumplidu yan dinanche na kopian Loan Processing Procedures ni hagas ha propopone i NMHC Board despues di uttimun i tetminu ni manmana'e i publiku para u fana'halom komento esta ma adapta si hafa na tinulaika pat amendasion. Lökkue' in rekuesta yan dirihi na este na Nutisia yan Settifikasion Ma adapta u mapupblika ensigidas gi REhistran Commonwealth.

In deklaracion gi papa penan chetmanhu'la na i manmofo'na magahet yan dinanche ya este na deklarasion mafatinas gi mina' 19th na dia guine na mes August, 1998, giya Saipan, Commonweralth i Sangkattan Siha na Islas Marianas.



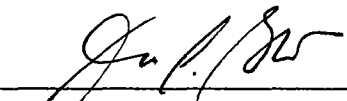
JUAN S. TENORIO
Chairman i Board



MARYLOU S. ADA
Corporate Director

9/9/98

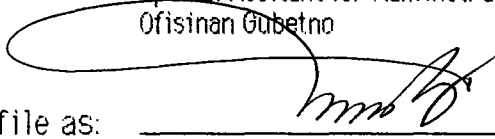
Fecha

Rintsibi as: 

JOSE I. DELEON GUERRERO
Special Assitant for Adminstration
Ofisinan Gubetno

9/10/98

Fecha

Ma file as: 

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion



Commonwealth of the Northern Mariana Islands
COMMONWEALTH DEVELOPMENT AUTHORITY
 Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293
 Saipan, MP 96950

MAILING ADDRESS:
 P.O. BOX 2149
 SAIPAN, MP 96950
 FAX (670) 234-7144

NOTICE AND CERTIFICATION OF ADOPTION OF THE
 AMENDMENTS TO THE RULES AND
 REGULATIONS OF THE
 DEVELOPMENT CORPORATION DIVISION OF THE
 COMMONWEALTH DEVELOPMENT AUTHORITY

Board of Directors

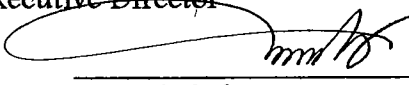
- Juan S. Tenorio
Chairman
- Joaquin Q. Atalig
Vice-Chairman
- Jesus D. Sablan
Member
- Oscar Quitugua
Member
- Plasido M. Tagabuel
Member
- Jose M. Dela Cruz
Member
- Antonio M. Borja
Member

I, Lydia M. Sablan, Acting Executive Director of the Commonwealth Development Authority (CDA) which is promulgating the Rules and Regulations of the Development Corporation Division and in which the amendments were published in the Commonwealth Register, Volume 19, Number 10 on October 15, 1997 at pages 15718 to 15727, by signature below hereby certify that as published such amendments to the Rules and Regulations of the Development Corporation Division are a true, complete and correct copy of the Amended Rules and Regulations previously proposed by the CDA which after the expiration of appropriate time for public comment, have been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th of August 1998 at Saipan, Commonwealth of the Northern Mariana Islands.



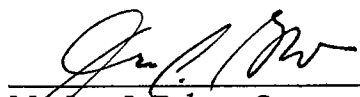
 Lydia M. Sablan
 Acting Executive Director

Filed by: 

 Ms. Soledad Sasamoto
 Registrar of Corporations

10/15/98

 Date

Received by: 

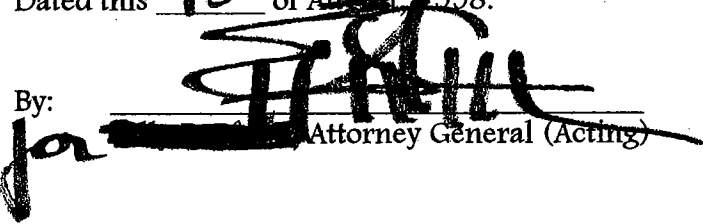
 Mr. Jose I. Deleon Guerrero
 Special Assistant for Admin.

10/15/98

 Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the amended rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office

Dated this 13th of Oct, 1998.

By: 

 Attorney General (Acting)



Commonwealth of the Northern Mariana Islands
COMMONWEALTH DEVELOPMENT AUTHORITY
 Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293
 Saipan, MP 96950

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**NOTICE AND CERTIFICATION OF ADOPTION OF THE
 AMENDMENTS TO THE RULES AND
 REGULATIONS OF THE
 DEVELOPMENT CORPORATION DIVISION OF THE
 COMMONWEALTH DEVELOPMENT AUTHORITY**

Board of Directors

- Juan S. Tenorio
Chairman
- Joaquin Q. Atallg
Vice-Chairman
- Jesus D. Sablan
Member
- Oscar Quitugua
Member
- Plasido M. Tagabuel
Member
- Jose M. Dela Cruz
Member
- Antonio M. Borja
Member

I, Lydia M. Sablan, Acting Executive Director of the Commonwealth Development Authority (CDA) which is promulgating the Rules and Regulations of the Development Corporation Division and in which the amendments were published in the Commonwealth Register, Volume 19, Number 10 on October 15, 1997 at pages 15718 to 15727, by signature below hereby certify that as published such amendments to the Rules and Regulations of the Development Corporation Division are a true, complete and correct copy of the Amended Rules and Regulations previously proposed by the CDA which after the expiration of appropriate time for public comment, have been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th of August 1998 at Saipan, Commonwealth of the Northern Mariana Islands.

Lydia M. Sablan
 Acting Executive Director

Filed by:
 Ms. Soledad Sasamoto
 Registrar of Corporations

10/15/98
 Date

Received by:
 Mr. Jose I. Deleon Guerrero
 Special Assistant for Admin.

10/15/98
 Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the amended rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 13 of Oct, 1998.

By:
 _____, Attorney General (Acting)



Commonwealth of the Northern Mariana Islands
COMMONWEALTH DEVELOPMENT AUTHORITY
 Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293
 Saipan, MP 96950

MAILING ADDRESS:
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 SAIPAN, MP 96950
 FAX (670) 234-7144

**NUTISIA YAN SETTIFIKASION INADAPTAN AMENDASION GI
 AREKLAMENTO YAN REGULASION PARA
 DEVELOPMENT CORPORATION DIVISION GI
 COMMONWEALTH DEVELOPMENT AUTHORITY**

Board of Directors

- Juan S. Tenorio
Chairman
- Joaquin Q. Atallig
Vice-Chairman
- Jesus D. Sablan
Member
- Oscar Quitugua
Member
- Plasido M. Tagabuel
Member
- Jose M. Dela Cruz
Member
- Antonio M. Borja
Member

Guaho, Lydia M. Sablan, Acting Executive Director gi Commonwealth Development Authority (CDA) ni chumogue i Areklamento yan Regulasion para i Development Corporation Division yan i amendasion siha ni manma publika gi Rehistran Commonwealth, Baluma 19, Numiru 10 gi Oktubre 15, 1997 gi pahina 15718 asta 15727, gine i fitmaku gi sampapa hu settifika na komu mapublika este siha na amendasion gi Areklamento yan Regulasion para Development Corporation Division manmagahet, kumplidu yan dinanche na kopian i Amendasion siha gi Areklamento yan Regulasion ni hagas priniponen CDA ya despues di makpo i tetminu ni manae i publiku para u fanahalom komento, esta manma adapta sin hafa siha na tinulaika pat amendasion. Lokkué hu rekuesta yan dirihi este na Nutisia yan Settifikasion inadapta para u mapublika huyong gi Rehistran Commonwealth giya CNMI.

Hu deklarar gi papa penan chatmanhula na i manfona siha manmagahet yan dinanche ya este na deklarasion machogue gi Agosto 20, 1998 giya Saipan, Commonwealth i Sangkattan siha na Islas Marianas.

Lydia M. Sablan
 Acting Executive Director

Ma file as:
 Ms. Soledad Sasamoto
 Registradoran Kotporasion
 Fecha 10/15/98

Inakonfotma as:
 Mr. Jose I. Deleon Guerrero
 Special Assistant for Admin.
 Fecha 10/15/98

Sigun gi 1 CMC §2153 ni esta manma amenda sigun ginagao Lai Publiku 10-50, i Areklamento yan Regulasion siha ni checheton esta manma rebisa yan ma appreba ni para u fatinas yan ligat enteru ginen i Ofisinan I Abogao.

Ma fecha gi mina 12th na dia gi mes Oct. 1998.

Ginen as: ELLIOTT A. SATTLER
 Sally B. Pfund, Abugaon Hinirat (Temporario)



Commonwealth of the Northern Mariana Islands

COMMONWEALTH DEVELOPMENT AUTHORITY

Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293

Saipan, MP 96950

MAILING ADDRESS:

P.O. BOX 2149

SAIPAN, MP 96950

FAX (670) 234-7144

NUTISIA YAN SETTIFIKASION INADAPTAN AMENDASION GI AREKLAMENTO YAN REGULASION PARA DEVELOPMENT CORPORATION DIVISION GI COMMONWEALTH DEVELOPMENT AUTHORITY

Board of Directors

Juan S. Tenorio
Chairman

Joaquin Q. Atallg
Vice-Chairman

Jesus D. Sablan
Member

Oscar Quitugua
Member

Plasido M. Tagabuel
Member

Jose M. Dela Cruz
Member

Antonio M. Borja
Member

Guaho, Lydia M. Sablan, Acting Executive Director gi Commonwealth Development Authority (CDA) ni chumogue i Areklamento yan Regulasion para i Development Corporation Division yan i amendasion siha ni manma pupblika gi Rehistran Commonwealth, Baluma 19, Numiru 10 gi Oktubre 15, 1997 gi pahina 15718 asta 15727, gine i fitmaku gi sampapa hu settifika na komu mapupblika este siha na amendasion gi Areklamento yan Regulasion para Development Corporation Division manmagahet, kumplidu yan dinanche na kopian i Amendasion siha gi Areklamento yan Regulasion ni hagas priniponen CDA ya despues di makpo i tetminu ni manae i pupbliku para u fanahalom komento, esta manma adapta sin hafa siha na tinulaika pat amendasion. Lokkué hu rekuesta yan dirihi este na Nutisia yan Settifikasion inadapta para u mapupblika huyong gi Rehistran Commonwealth giya CNMI.

Hu deklara gi papa penan chatmanhula na i manfofona siha manmagahet yan dinanche ya este na deklarasion machogue gi Agosto 20, 1998 giya Saipan, Commonwealth i Sangkattan siha na Islas Marianas.

Signature of Lydia M. Sablan
Lydia M. Sablan
Acting Executive Director

Ma file as: Ms. Soledad Sasamoto
Registradoran Kotporasion

10/15/98
Fecha

Inakonfotma as: Mr. Jose I. Deleon Guerrero
Special Assistant for Admin.

10/15/98
Fecha

Sigun gi 1 CMC §2153 ni esta manma amenda sigun ginagao Lai Publiku 10-50, i Areklamento yan Regulasion siha ni checheton esta manma rebisa yan ma appreba ni para u fatinas yan ligat enteru ginen i Ofisinan I Abogao.

Ma fecha gi mina 12th na dia gi mes October 1998.

Ginen as: ELLIOTT A. SATTLER
Sally B. Pfund, Abugaon Hinirat (Temporario)



Commonwealth of the Northern Mariana Islands
COMMONWEALTH DEVELOPMENT AUTHORITY
 Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293
 Saipan, MP 96950

MAILING ADDRESS:
 P.O. BOX 2149
 SAIPAN, MP 96950
 FAX (670) 234-7144

ARONGORONG REEL APPELÚGHÚLÚGHÚL ADOPTIONUL LLIWEL
 KKAAL REEL ALLÉGHÚL REEL MILLE
 DEVELOPMENT CORPORATION DIVISION MELLÓL
 COMMONWEALTH DEVELOPMENT AUTHORITY

Board of Directors

Juan S. Tenorio
 Chairman

Joaquin Q. Atalig
 Vice-Chairman

Jesus D. Sablan
 Member

Oscar Quitugua
 Member

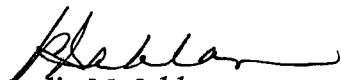
Plasido M. Tagabuel
 Member

Jose M. Dela Cruz
 Member

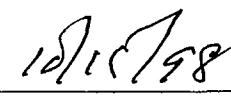
Antonio M. Borja
 Member

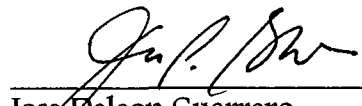
Ghaang, Lydia M. Sablan, Acting Executive Director mellól Commonwealth Development Authority ikke atowowul arongorong reel alléghúl mille Development Corporation Division me igha lliiwel kkaal atakkal póblikalong llól Commonwealth Register, Volume 19, Numero 10 llól maramal Sarobwel (October) 15, 1997 llól peighil schéel 15718 ngáli 15727, sáangi yáay signature ye e lo faal reel milleel i apelúghúlúgh bwe meta kka a póblika bwelle reel lliiwel kkaal reel alléghúl llól Development Corporation Division nge e ellet, scheescheel me e welewel kopiya kkaal reel lliiwel kkaal reel allégh kkaal ikka re pomwoli mwo ighiwe mereel CDA iye mwiril yaal takkelóól (expiration) reel atotolongol yaar toulap mángemáng, ayegh, e adopted ló nge esóór modification ngare lliiwel. I bwal maas tingór me afalafala bwe Arong me Appelúghúlúghúl Adoption ebwe póblikalong llól CNMI Commonwealth Register.

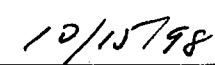
I ppol faal mwuttaal raturut bwe meta kka a lo nge e ellet me welewel me deklarasiyon yeel nge iye a apelúgh ló llól maramal Elúwel (August) 20th, 1998 mewóól Seipél, Commonwealth Metawal Wóól Falúw Kka Marianas.


 Lydia M. Sablan
 Acting Executive Director

Isáliyál 
 Soledad B. Sasamoto


 Rál

Bwughiyál: 
 Jose Deleon Guerrero
 Spec. Asst. For Administration
 Bwulasiyol Sów Lemelem


 Rál

Sáangi 1 CMC iye a lliiwel ló sáangi P.L. 10-50, allégh kkaal atakkal amweri sefááli me apelúghúló mereel Bwulasiyol CNMI Attorney General.

Rál ye ^{15th} ~~20th~~ llól maram ye Elúwel ^{oct.} (August), 1998

Mereel: ELLIOTT A. SATTLE
~~Sally B. Pfand~~, Attorney General (Acting)



Commonwealth of the Northern Mariana Islands
COMMONWEALTH DEVELOPMENT AUTHORITY
 Wakin's Bldg., Gualo Rai, Tel. 234-7145 / 7146 / 6293
 Saipan, MP 96950

MAILING ADDRESS:
 P.O. BOX 2149
 SAIPAN, MP 96950
 FAX (670) 234-7144


ARONGORONG REEL APPELÚGHÚLÚGHÚL ADOPTIONUL LLIWEL
 KKAAL REEL ALLÉGHÚL REEL MILLE
 DEVELOPMENT CORPORATION DIVISION MELLÓL
 COMMONWEALTH DEVELOPMENT AUTHORITY

Board of Directors

- Juan S. Tenorio
Chairman
- Joaquin Q. Atalig
Vice-Chairman
- Jesus D. Sablan
Member
- Oscar Quitugua
Member
- Plasido M. Tagabuel
Member
- Jose M. Dela Cruz
Member
- Antonio M. Borja
Member

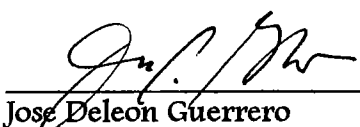
Ghaang, Lydia M. Sablan, Acting Executive Director mellól Commonwealth Development Authority ikke atowowul arongorong reel alléghúl mille Development Corporation Division me igha lliiwel kkaal atakkal póblikalong llól Commonwealth Register, Volume 19, Numero 10 llól maramal Sarobwel (October) 15, 1997 llól peighil schéél 15718 ngáli 15727, sáangi yááy signature ye e lo faal reel milleel i apelúghúlúgh bwe meta kka a póblika bwelle reel lliiwel kkaal reel alléghúl llól Development Corporation Division nge e ellet, scheescheel me e welewel kopiya kkaal reel lliiwel kkaal reel allégh kkaal ikka re pomwoli mwo ighiwe mereel CDA iye mwiril yaal takkelóól (expiration) reel atotolongol yaar toulap mángemáng, ayegh, e adopted ló nge esóór modification ngare lliiwel. I bwal maas tingór me afalafala bwe Arong me Appelúghúlúghúl Adoption ebwe poblikalong llól CNMI Commonwealth Register.

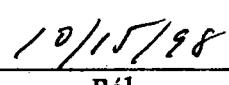
I ppol faal mwuttaal raturut bwe meta kka a lo nge e ellet me welewel me deklarasiyon yeel nge iye a appelúgh ló llól maramal Elúwel (August) 20th, 1998 mewóól Seipél, Commonwealth Metawal Wóól Falúw Kka Marianas.


 Lydia M. Sablan
 Acting Executive Director

Isáliyal 
 Soledad B. Sasamoto

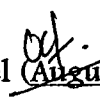

 Rál

Bwughiyal: 
 Jose Deleon Guerrero
 Spec. Asst. For Administration
 Bwulasiyol Sów Lemelem


 Rál

Sáangi 1 CMC iye a lliiwel ló sáangi P.L. 10-50, allégh kkaal atakkal amweri sefaáli me appelúghúló mereel Bwulasiyol CNMI Attorney General.

^{13th}
 Rál ye 20th llól maram ye Elúwel (August), 1998


 ELLIOTT A. SATTLER
 Attorney General (Acting)

Mereel: _____
 Attorney General (Acting)