

TITLE 4: ECONOMIC RESOURCES
DIVISION 6: BANKING AND FINANCIAL INSTITUTIONS

§ 6112. Additional Adjudicatory Powers.

(a) The director may subpoena witnesses, compel their attendance, require the production of evidence, administer an oath, and examine any person under oath in connection with any investigation, hearing, or other subject relating to a duty imposed upon or a power vested in the director. These powers shall be enforced by the Commonwealth Trial Court. An individual who claims a privilege against self incrimination may nevertheless be compelled to testify, but the individual may not be prosecuted or subjected to a penalty or forfeiture on account of anything concerning which the individual has testified under such compulsion, except for perjury committed while testifying. Removal from an office or employment with a Commonwealth bank is not the imposition of a penalty or forfeiture.

(b) The director may, on petition of any interested person and after hearing, issue a declaratory order with respect to the applicability to any person, property or state of facts of this division or rule issued by the director. The order shall bind the director and all parties to proceeding on the state of facts alleged, unless it is modified or reversed by a court having jurisdiction. A declaratory order may be reviewed and enforced in the same manner as other orders of the director, and the refusal to issue a declaratory order shall be reviewable.

(c) No person may be subjected to any civil or criminal liability for any act or omission to act in good faith in reliance upon a subsisting order, regulation or definition of the director, notwithstanding a subsequent decision by a court invalidating the order, regulation or definition.

Source: PL 3-104, § 106.

Commission Comment: With respect to the references to the “director” of the Department of Commerce and Labor, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”