

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 44
NUMBER 03
MARCH 28, 2022**

COMMONWEALTH REGISTER

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Subject: Order Granting Enforcement’s Request for Dismissal
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Commonwealth Ports Authority

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS FOR THE COMMONWEALTH PORTS AUTHORITY (CPA)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED
AMENDMENTS TO THE PERSONNEL RULES AND REGULATIONS OF THE
COMMONWEALTH PORTS AUTHORITY

Volume 43, Number 10, pp. 047712–17, of October 28, 2021

Amendments to the Commonwealth Ports Authority Personnel Rules and Regulations

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: Pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a), the Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT the Proposed Amendments to the Personnel Rules and Regulations of the Commonwealth Ports Authority published in Number 10 of Volume 43 of the Commonwealth Register. I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations.

PRIOR PUBLICATION: The substance of these regulations was published in Volume 43, Number 10, pp. 047712–17 of the Commonwealth Register.

AUTHORITY: The authority for promulgation of regulations for CPA is set forth in 2 CMC § 2122.

EFFECTIVE DATE: These amendments to the Commonwealth Ports Authority's Personnel Rules and Regulations will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

COMMENTS, MODIFICATIONS, AND AGENCY CONCISE STATEMENT: During the 30-day comment period, the Authority received no comments regarding the Proposed Regulations. No individual requested the Authority issue a concise statement of the principal reasons for or against the adoption of the Proposed Regulations.

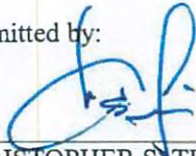
At an Airport Facilities Committee meeting held on February 25, 2022, the Committee agreed to recommend to the CPA Board of Directors that the Proposed Regulations be adopted. The CPA Board of Directors adopted the Proposed Regulations as final at the February 25, 2022, Board of Directors meeting.

TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The adopted regulations amend the Personnel Rules and Regulations of the Commonwealth Ports Authority by establishing a new employee benefit entitled "Self-Care Leave." The purpose of the benefit is to provide employees with leave specifically to manage work-related stress and to create a workforce with more satisfied employees and higher employee engagement. Employees will accrue 8 hours of Self-Care Leave per quarter. Any Self-Care Leave accrued expires at the end of the last day of the quarter that the Self-Care Leave was accrued. Self-Care Leave must be approved by an employee's supervisor or manager prior to the employee going on Self-Care Leave. Self-Care Leave may be denied but denial must be for a good reason and may be a basis for an employee's grievance. If an employee's request to use Self-Care Leave is denied, the manager and employee shall coordinate together and identify the next possible available date that the Self-Care Leave may be used. Self-Care Leave is separate from and in addition to other CPA

employee benefits, such as Annual Leave and Sick Leave. Employees are not entitled to payment for any unused Self-Care Leave.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 25th day of FEBRUARY, 2022, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:



CHRISTOPHER S. TENORIO
Executive Director

Date: 2/25/22

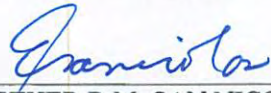
Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified final regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f).

Dated this 7 day of March, 2022.



EDWARD MANIBUSAN
Attorney General

Filed and Recorded by: _____



ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

Date: 03-16-2022

§ 40-40-470 Self-Care Leave

(a) Purpose. Mental distress poses long-term consequences for CPA by harming employees' mental state of mind, productivity, and overall job satisfaction. CPA seeks to promote its employees' wellbeing by preventing and managing employee mental distress and creating a culture of inclusiveness and mental health awareness. Thus, it is CPA policy to provide its employees with Self-Care Leave for the purpose of managing work-related stress and to create a workforce with more satisfied employees and higher employee engagement.

(b) Accrual. Employees shall accrue 8 hours of Self-Care Leave on the first date of each quarter or upon the date the employee first becomes eligible to receive employee benefits. Any Self-Care Leave accrued shall expire at the end of the last day of the quarter that the Self-Care Leave was accrued. Self-Care Leave quarters shall be from January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

(c) Use. The Commonwealth Ports Authority urges and encourages employees to use Self-Care Leave for the purpose of promoting one's own mental health wellness. Self-Care Leave must be approved by an employee's supervisor or manager prior to the employee going on Self-Care Leave. The Executive Director approves Self-Care Leave for managers and staff attorneys. Denial of Self-Care Leave must be for a good reason and may be a basis for an employee's grievance. The right to use Self-Care Leave is contingent upon management's requirements. A manager is wholly within managerial rights to deny an employee's request for Self-Care Leave, if that denial is based upon demands of the Commonwealth Ports Authority. If an employee's request to use Self-Care Leave is denied, the manager and employee shall coordinate together and identify the next possible available date that the Self-Care Leave may be used.

(d) Self-Care Leave is separate from and in addition to other CPA employee benefits, such as Annual Leave and Sick Leave. Employees are not entitled to payment for any unused Self-Care Leave.



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

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Richard V. Salas
Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF
THE COASTAL RESOURCES MANAGEMENT REGULATORY AGENCIES**

**AMENDMENTS TO NMIAC CHAPTER 15-10
TO CREATE INCENTIVES FOR BUILDING REDEVELOPMENT AND
STORMWATER MANAGEMENT**

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Coastal Resources Management (CRM) Regulatory Agencies HEREBY ADOPT AS PERMANENT amendments to the following sections of NMIAC Chapter 15-10 to create incentives for building redevelopment and stormwater management pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9101 *et seq.*, and the Coastal Resources Management Act, 2 CMC §§ 1501 *et seq.*

- NMIAC §15-10-020 Definitions, (rr) Leed certifiable
- NMIAC §15-10-101 Types of CRM Permits and When Permits are Required, (c) Early action for flood zone risk reduction
- NMIAC §15-10-205 Permit Application Procedures, (h) Fees
- NMIAC §15-10-505 Specific Criteria for Major Sitings, (g) Mitigation of Adverse Impacts

I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification.

PRIOR PUBLICATION: These regulations were published as Proposed Regulations in Volume 43, Number 06, pp 046705-046718 of the Commonwealth Register on June 28, 2021.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register pursuant to 1 CMC § 2153(e).

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: These amendments are promulgated under the authority of the CRM Regulatory Agencies to adopt new regulations under 1 CMC § 1531(d). These regulations were adopted as final by the CRM Regulatory Agencies in a public meeting on January 27, 2022, and the Division of Coastal Resources Management (DCRM) Director was authorized to promulgate these regulations on behalf of the CRM Regulatory Agencies.

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MEMORANDUM FOR THE ATTORNEY GENERAL

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

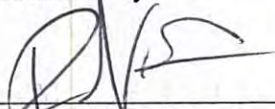
OFFICE OF THE ATTORNEY GENERAL
Civil Division
RECEIVED
BY SW DATE 3/10/02

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: During the 30-day comment period, CRM received no comments regarding the Proposed Regulations. Upon this adoption of the amendments, CRM will, if requested to do so by any interested person within 30 days of adoption, issue a concise statement of the principal reasons for and against its adoption.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:



Richard V. Salas
Director, Division of Coastal Resources Management

3/9/22

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

03.16.2022

Date



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality –
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Zabrina S. Cruz
Director, DEQ

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF
AMENDMENTS TO DRINKING WATER REGULATIONS
TO REGULATE CERTAIN PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)**

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of Environmental and Coastal Quality (BECQ) HEREBY ADOPTS AS PERMANENT amendments to the Division of Environmental Quality (DEQ) Drinking Water Regulations at NMIAC Chapter 65-20 pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9101 et seq., and the Environmental Protection Act, 2 CMC §§ 3101 et seq.

I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced proposed regulations, and that they are being adopted without modification.

PRIOR PUBLICATION: These regulations were published as proposed regulations in Volume 44, Number 01, pp 048027-048036 of the Commonwealth Register dated January 28, 2022.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register pursuant to 1 CMC § 2153(e).

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: These amendments are promulgated under the authority of BECQ pursuant to 2 CMC § 3121 to issue regulations to carry out its policies and purposes, including to develop and administer programs to prevent or regulate activities as necessary to protect the public health or welfare from any significant adverse effect of the discharge of pollutants. 2 CMC § 3122.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: No written comments regarding the proposed regulations were submitted during the 30-day comment period. BECQ will, if requested to do so by any interested person within 30 days of this adoption of the amendments, issue a concise statement of the principal reasons for and against its adoption.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:



Eli Cabrera
Administrator, BECQ

3/10/22

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

03-16-2022

Date



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands

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Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

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Richard V. Salas
Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF
THE COASTAL RESOURCES MANAGEMENT REGULATORY AGENCIES**

**AMENDMENTS TO NMIAC CHAPTER 15-10
TO SPECIFY THE LOCATION OF PUBLIC HEARINGS**

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Coastal Resources Management (CRM) Regulatory Agencies HEREBY ADOPT AS PERMANENT amendments to the following sections of NMIAC Chapter 15-10 to specify the location of public hearings pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9101 *et seq.*, and the Coastal Resources Management Act, 2 CMC §§ 1501 *et seq.*

- NMIAC §15-10-220 CRM Permit Hearing, (d) Location
- NMIAC §15-10-235 Appeal of CRM Permit Decision
- NMIAC §15-10-405 Procedure
- NMIAC §15-10-825 Permit Enforcement Hearing
- NMIAC §15-10-1001 Public Information and Education, (c) Public Hearings

I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification.

PRIOR PUBLICATION: These regulations were published as Proposed Regulations in Volume 43, Number 06, pp 046719-046729 of the Commonwealth Register on June 28, 2021.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register pursuant to 1 CMC § 2153(e).

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: In NMIAC §15-10-220 CRM Permit Hearing, (d) Location, the CRM Regulatory Agencies changed the proposed language “hearings for proposed projects on all other islands shall be conducted on Saipan” to “hearings for proposed projects in the Northern Islands municipality shall be conducted in the Northern Island municipality, unless the DCRM Director at his/her discretion determines, on the basis of economic and/or logistical feasibility, that the hearing shall be conducted on Saipan.” This change conforms the regulatory language to the described terms and substance of the proposed amendments as described in the Public Notice of Proposed Amendments.

AUTHORITY: These amendments are promulgated under the authority of the CRM Regulatory Agencies to adopt new regulations under 1 CMC § 1531(d). These regulations were adopted as

OFFICE OF THE ATTORNEY GENERAL
Civil Division

RECEIVED

EW

03/10/22

BY

3/16/22

DATE

final by the CRM Regulatory Agencies in a public meeting on January 27, 2022, and the Division of Coastal Resources Management (DCRM) Director was authorized to promulgate these regulations on behalf of the CRM Regulatory Agencies.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: During the 30-day comment period, CRM received no comments regarding the Proposed Regulations. Upon this adoption of the amendments, CRM will, if requested to do so by any interested person within 30 days of adoption, issue a concise statement of the principal reasons for and against its adoption.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:



Richard V. Salas
Director, Division of Coastal Resources Management

3/9/22

Date

Received by:



Ms. Mathilda A. Rosario
Special Assistant for Administration

03/10/22

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

03-25-2022

Date

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved the certified final regulations (modified from the proposed regulations as indicated above) as to form and legal sufficiency and that the final regulations shall be published.



Mr. Edward Manibusan
Attorney General



Date

§ 15-10-220 CRM Permit Hearing

When a hearing on a permit application is required or requested pursuant to this section the DCRM Director shall schedule the hearing, inform the party or parties involved of the hearing date and publish notices of the hearing two times in a newspaper of general circulation in the Commonwealth at least 14 days prior to the hearing. The DCRM Director at his/her discretion may require that notice be posted at the proposed site no later than one week before the scheduled public hearing.

(d) Location. ~~Public meetings may be held at any location within the Commonwealth.~~ Public hearings pursuant to permit applications for proposed projects on Saipan, Tinian, and Rota shall be conducted on the island where the proposed project is located; hearings for proposed projects on Agiguan shall be conducted on Tinian; and hearings for proposed projects in the Northern Islands municipality shall be conducted in the Northern Islands municipality, unless the DCRM Director at his/her discretion determines, on the basis of economic and/or logistical feasibility, that the hearing shall be conducted on Saipan. ~~Appellate hearings shall be held on the same island as the permit hearings, or if no CRM permit hearing was held, on the island where the proposed project is located. All other public hearings shall be conducted on Saipan.~~

§ 15-10-235 Appeal of CRM Permit Decision

Any aggrieved person as defined at § 15-10-020 may appeal the decision of CRM Agency Officials or in the case of a APC development, the DCRM Director decision to grant, deny, or condition a new CRM permit to the CRM Appeals Board by filing a notice of the appeal with the DCRM Office within 30 days of the issuance of the CRM permit decision. In the absence of an appointed CRM Appeal Board at the time that the appeal is filed, the appeal shall be to the Superior Court as set forth in Administrative Procedure Act 1 CMC §§ 9101 et seq. The DCRM Director shall then schedule an appellate hearing before the CRM Appeals Board. Appellate hearings shall be held on the same island as designated for permit hearings pursuant to §15-10-220(d).

§ 15-10-405 Procedure

Requests for new or modified APCs shall include detailed documentation supporting the APC designation or boundary change. The documentation shall be based on criteria set forth in § 15-10-410, but may include other information pertinent to the area nominated or proposed boundary change. Within 30 days of a nomination or proposed boundary change, the DCRM Director shall circulate it to the CRM Agency Officials. The DCRM Director shall, within that same period, publish notice of the nomination or proposed boundary change, describing the area involved, in a newspaper of general circulation within the Commonwealth. The DCRM Office shall be available to receive public comment for a period of 30 days from the date such notice is published. Within the 30day minimum comment period, the CRM Agency Officials shall submit to the DCRM Office comments and recommendations, and a public hearing shall be conducted on Saipan by the DCRM Office. Within 30 days after the closure of the comment period the CRM agency officials shall make the final decision regarding the proposed creation or modification.

§ 15-10-825 Permit Enforcement Hearing

Upon receipt of a request for a permit enforcement hearing, the DCRM Director shall schedule a hearing within 45 days. The request for an enforcement hearing shall not stay the imposition of specified penalties. The DCRM Director or their designee shall preside at CRM enforcement hearings, shall control the taking of testimony and evidence, and shall cause to be made an audio recording or stenographic record of CRM enforcement hearings. Evidence presented at such hearings need not conform with any prescribed rules of evidence but may be limited by the DCRM Director in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. All permit enforcement hearings shall be conducted on Saipan. Permit enforcement hearings shall conform to the provisions of the Administrative Procedure Act, 1 CMC §§ 9108, et seq. The DCRM Director shall issue a decision within 15 days of the close of the enforcement hearing and all orders shall be in writing and accompanied by written findings of fact and conclusions of law. The standard of proof for such hearing shall be by the preponderance of the evidence.” The decision of the DCRM Director shall be final as within the CRM program. Appeal from an enforcement decision shall be to the Commonwealth Superior Court within 30 days following service of the DCRM Director’s written enforcement decision on the offending party.

§ 15-10-1001 Public Information and Education

The DCRM Office shall make information and educational materials available to the public and CRM Agency Officials. The CRM Office, under the direction of the DCRM Director, shall assist a CRM permit applicant, CRM Agency Officials, the Governor and the CRM Appeals Board, by explaining the policies and procedures of the CRM permit process.

(c) Public Hearings. Any hearing or meeting held for purposes of the CRM permit or enforcement process, or the Coastal Advisory Council, shall be open to the public. Such hearings or meetings may be held at any location within the Commonwealth except as otherwise provided in this chapter.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950
Email: info@cnmicannabis.org

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF AMENDMENTS TO REGULATIONS OF
CNMI Cannabis Commission**
Nadine Deleon Guerrero, Chairman

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
Volume 44 Number 01, pp 048037 of January 28, 2022

Regulations of the CNMI Cannabis Commission

ACTION TO ADOPT PROPOSED AMENDMENTS TO REGULATIONS: The Commonwealth of the Northern Mariana Islands Cannabis Commission ("The Commission") HEREBY ADOPTS AS PERMANENT amendments to the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commission announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows:

(no changes)

PRIOR PUBLICATION: The prior publication were as stated above. The Commission adopted the regulations as final on March 16, 2022.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Modifications were made as specified above. (There were no modifications). I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

AUTHORITY: The Commonwealth is required by the Legislature to adopt rules and regulations regarding those matters over which the CNMICC has jurisdiction, see Public Laws 20-66 and 21-05.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations (no written comments submitted). Attached hereto are the Commission responses to all public comments received. (none) Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption,

incorporating therein its reasons for overruling the considerations urged against its adoption.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 16th day of March, 2022, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:




NADINE DELEON GUERRERO
Chairman, CNMI Cannabis Commission

03.16.2022

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 21 day of March, 2022.



EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:



ESTHER SAN NICOLAS
Commonwealth Register *rar*

03.21.2022

Date



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

P.O. Box 501304, Saipan, MP 96950

Tel: (670) 664-8300; Fax: (670) 664-8315

www.dcrm.gov.mp



Richard V. Salas
Director, DCRM

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO NMIAC CHAPTER 15-10 TO ALLOW REMOTE PARTICIPATION OF CRM AGENCY OFFICIALS

NOTICE OF INTENDED ACTION: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Coastal Resources Management (CRM) Regulatory Agencies intend to amend NMIAC Chapter 15-10 to revise the Division of Coastal Resources Management (DCRM) hearing and meeting regulations to allow remote participation of CRM Agency Officials.

AUTHORITY: These amendments are promulgated under the authority of the CRM Regulatory Agencies to adopt new regulations under 1 CMC § 1531(d) and as required by Public Law No. 22-05. These proposed regulations were approved by the CRM Regulatory Agencies in a public meeting on January 27, 2022.

TERMS AND SUBSTANCE: These proposed amendments seek to add language to the hearing and meeting provisions of DCRM's regulations to expressly allow that "Each CRM Agency Official may appear at hearings or meetings via the internet or online video conferencing, teleconferencing, or other electronic means of communication, in the event that the CRM Agency Official is in the Commonwealth of the Northern Mariana Islands but unable to attend a hearing or meeting in person."

CITATION OF RELATED AND/OR AFFECTED STATUTES, RULES, AND REGULATIONS: The proposed amendments affect NMIAC Chapter 15-10 by amending the following provisions:

- §15-10-1001 Public Information and Education, (c) Public Hearings

DIRECTIONS FOR FILING AND PUBLICATION: The proposed amendments shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9201(a)(1)) and posted in convenient places in the civic center and in local governmental offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

COMMENTS: Interested parties may submit written comments on the proposed amendments to Sam Sablan, DCRM Permit Branch Manager, to the following address, fax, or email address, with the subject line "Proposed Revisions to DCRM Hearing and Meeting Regulations to Allow Remote Participation."

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY DIVISION OF COASTAL RESOURCES MANAGEMENT

PO Box 501304

Saipan, MP 96950

Fax: (670) 664-8540

Email: ssablan@dcrm.gov.mp

Resubmitted 3/14/22 SK

OFFICE OF THE ATTORNEY GENERAL
Civil Division
RECEIVED
BY *SK* DATE 03/10/22
BY *SK* 2:46pm

Comments are due within thirty (30) calendar days from the date of publication of this notice.
1 CMC § 9104(a)(2).

Submitted by:



Rich Salas
2022-03-02 T10:19:26+10:00

Richard V. Salas
Director, Division of Coastal Resources Management

Date

Received by:



Ms. Mathilda A. Rosario
Special Assistant for Administration

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

03.16.22

Date

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency.



Mr. Edward Manibusan
Attorney General

3/14/2022

Date

Part 1000 - Public Information and Education
§15-10-1001 Public Information and Education

The DCRM Office shall make information and educational materials available to the public and CRM Agency Officials. The CRM Office, under the direction of the DCRM Director, shall assist a CRM permit applicant, CRM Agency Officials, the Governor and the CRM Appeals Board, by explaining the policies and procedures of the CRM permit process.

- (c) Public Hearings. Any hearing or meeting held for purposes of the CRM permit or enforcement process, or the Coastal Advisory Council, shall be open to the public. Such hearings or meetings may be held at any location within the Commonwealth except as otherwise provided in this chapter. Each CRM Agency Official may appear at hearings or meetings via the internet or online video conferencing, teleconferencing, or other electronic means of communication, in the event that the CRM Agency Official is in the Commonwealth of the Northern Mariana Islands but unable to attend a hearing or meeting in person.



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

P.O. Box 501304, Saipan, MP 96950-1304

DEQ Tel.: (670) 664-8500/01; Fax: (670) 664-8540

DCRM Tel.: (670) 664-8300; Fax: (670) 664-8315

www.becq.gov.mp



Ralph DLG. Torres
Governor

Arnold I. Palacios
Lt. Governor

Eli D. Cabrera
Administrator

Zabrina S. Cruz
Director, DEQ

Richard V. Salas
Director, DCRM

NUTISIAN I MANMAPROPONI NA AMENDASION I NMIAC CHAPTER 15-10, POT PARA UMA ATTURISA TODOS I KUENTPON CRM I SUMAONAO GINEN OTRO LUGAT

NUTISIAN INTENSION NA AKSION SIHA: I Gobietnamenton i Sankattan na Islan Marianas, i Ofisinan i Maga'lahi, todos Ofisialis i Kuetpon CRM, siempre uma amenda i NMIAC Chapter 15-10 pot para uma tulaika i regulasion i Dibusion i Minanehan Fenkas Kãnton Tãsi (DCRM) gi bândån i inekkuñgok yan hunta para uma atturisa todos ofisialis i kuetpon CRM ni sumaonao ginen otro lugat.

ATTURIDAT: Esti siha na'amendasion, manmadeklara sigun i atturidat niha i Ofisialis i Kuetpon CRM na para uma adopta i neubo na regulasion siha sigun i CMC § 1531(d). Esti siha ni maproponi na regulasion, manma apreba esta ginen i CRM Regulatory Agencies gi halom i mitting publiko gi Ineru Benti-Seiti, Dos Mit Benti Dos.

ALIMENTO YAN I SUSTANSIAN I AREKGLAMENTO: Esti siha na maproponi na amendasion, para mã umentãyi lingguahi gi prubision regulasion para inekuñgok yan hunta anai siña inatturisa kada ofisiat i kuetpon CRM para husaonao gi inekuñgok osino hunta ginen i tararanas "Internet", komfrensian video yan television osino otro siha na klasen inadiñgan ilektrisida yanggin guaha achakiña i ofisiat ya tisiña sumaonao osino tisiña matto petsonatmenti guato gi hunta maseha gaigaiha' gi hãlom i Commonwealth gi San Katan Na Islas Marianas.

SITTASION I ASOSIÁT YAN/PAT I MAN NINAFEKTA SIHA NA LAI,

AREKGLAMENTO YAN I REGULASION: I amendasion siha ni maproponi, siempre inafekta i NMIAC Chapter 15-10 ni inamenmenda i mantinattiyi siha na probision:

- § 15-10-1001 Infotmasion yan Edukasion para i Ppubliko (c) Inekuñgok Ppubliko

DIREKSION NI PARA MUNA'HA'LOM YAN PUPBLIKASION: Esti siha na amendasion ni manmaproposi debidi uma publika gi "Commonwealth Register" gi seksionña pot manmaproponi yan nuebu namanma adopta siha na regulasion (1 CMC § 9201(a)(1)) yan hufanma pega gi katkuet siha na lugãt gi halom i civic center yan i ofisinan i kuetpon gobietnamento siha gi kada distriton senadot, parehu Englis yan prinsipat na lingguãhin natibu (1 CMC § 9104(a)(1)).

I FINOHU SIHA: I hayu malagu muna'ha'lom katta pot esti i manmaproponi siha natinalaika, debide una hãlom i katta guato gi as Señora Sam Sablan, DCRM Permit Manager, gi esti na

Address, pat i fax, ho'sono i email, yan uma tugi gi hilo'ña - "MANMAPROPONI NA UMA RIBISA I DIBUSION I MINANEHAN FENKAS KANTON TASI (DCRM) I REGULASION INEKKUNGOK YAN HUNTA PARA UMA ATTURISA TODOS I OFISIALIS I KUETPON CRM I SUAMAONAO GINEN OTRO LUGAT":

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY
DIVISION OF COASTAL RESOURCES MANAGEMNET
P.O. BOX 501304, Saipan, MP 96950
Fax: (670) 664-8540, Email: ssablan@dcrm.gov.mp

Todu i fino'mu siha, humanafanhålom gi hålom trenta (30) dias gi calendario ginen i fecha ni mapublika esti na nutisia (1 CMC § 9104(a)(2).

Ninahålom as Siñot:



Rich Salas
2022-03-02 T10:17:42+10:00

Richard V. Salas
Direktot i Dibusion i Minanehan Fenkas Konton Tasi

Fetcha

Rinisibe as Señora:

markilda 

~~Keiko A. Rosario~~
Espisiåt na Ayudãnti para i Administradot

03/10/22
Fetcha

Pine'lu yan Ninota as Señora:



~~Esther SN. Nesbit~~ *R.M. SAN NICOLAS*
Rehistran Commonwealth

03-16-2022
Fetch

Guaho, i Abugádo Henerât, hu'fotma na hu'taitai yan hu'aprueba esti siha na regulasion na sufisienti yan dinanchi sigun i 1 CMC § 2153(e) and 1 CMC § 9104(a)(3).



As Señor Edward Manibusan
Abugádo Henerât para i Sankattan na Islan Marianas

3/14/2022
Fetcha



Ralph DLG. Torres
Governor

Arnold I. Palacios
Lt. Governor

Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

P.O. Box 501304 Saipan, MP 96950

DEQ: Tel.: (670) 664-8500/01; Fax: (670) 664-8540

DCRM: Tel.: (670) 664-8300; Fax: (670) 664-8315

www.deq.gov.mp and www.dcrm.gov.mp



Eli D. Cabrera
Administrator

Zabrina Shai
Director, DEQ

Richard V. Salas
Director, DCRM

ARONGORONGOL TOULAP BWE REBWE SIWILILÓ NMIAC PEIGHIL 15-10 BWE EBWE MWEL REBWE BWAL FITI SCHÓKKA RE TAWULÓ

ALLÉGHÚL FFÉÉRIL AWEEWEL: Nge Commonwealth of the Northern Mariana Islands, Office of the Governor, Coastal Resources Management (CRM) Regulatory Agencies re mengi bwe rebwe siweli NMIAC Peigghil 15-10 arongorongol meeta rebwe ayoorá lóll allégh

BWINGIL NGERE MAMAWAL BWULASIYO: Siwel kkaal nge e mweitingeliir Regulatory Agencies faal 1 CMC §1531(d). Reghal aweewei meeta awaeewe kka rebwe ayoorá ngere siweliló nge toulap raa toolong rebwe asseling bwe re bwal ghulei meeta mengemengiir.

OWTOL ME AWEEWE KKA E LO LÓLL: Téél falíw ikka affeng Bwulasiyol Maghalayi, Coastal Resource Management (CRM) bwulasiyol aweewel allegh nge ekke mengi bwe rebwe ayoorá siwei reel NMCIA Chapter 15-10 nge siwel yeel nge ebwe yoor meeta rebwe arongóór toulap meeta ikka re mwuschel rebwe siweliló reel Bwulasiyol Division of Coastal Resources Management (DCRM) llól arongorongol toulap reel ebwe ngalleer aramas ikka re taweló rebwe bwal fiti meeta.

TIPETCHOWUL MWÓGHUTUGHUT: Eyoór tipetchowul ppwomwol mwoghutughut reel NMIAC Chapter 15-10 reel igha re liiweli mwóghutughut ikka e lo iye e amwirimwiritiw:

§ 15-10-1001 Public Information and Education, (c) Public Hearings

AFAL REEL AMMWELIL ME AKKATÉEWOWUL: Pommwol liiwel kkal nge ebwe akkatééwow loll Commonwealth Register 1161 tállil pommwol me ffél mwóghutughút kka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe apaschetá loll civic center me loll gobetnamento loll senatorial district, fengál reel kkasal English me mwáliyaasch (1 CMC § 9104(a)(1)).

FÓÓS: Schóó kka re mewuschel isiisilong iischil mángemáng wóól pommwol mwóghutughut kka rebwe isch ngáli Sam Sablan, DCRM Permitting and Compliance Chief, loll address, fax, or email address yeel, ebwe lo wóól subject line bwe “Proposed Revisions to DCRM Hearing and Meeting Regulations to Allow Remote Participation”:

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY
DIVISION OF COASTAL RESOURCES MANAGEMENT

P.O. BOX 501304

Saipan, MP 96950

Fax: (670) 664-8540

Email: ssablan@dcrm.gov.mp

Isiisilongol mángemáng ebwe toolong lóll eliggh (30) ráál mwiril aal akkatééwow arongorong yees 1 CMC § 9104(a)(2).

Isáliyalong:



Rich Salas
2022-03-02 T10:14:22+10:00

Richard V. Salas
Director, Division of Coastal Resources Management

Ráál

Bwughiyal:



Ms. Mathilda A. Rosario
Special Assistant ngáli Administration

03/10/22

Ráál

Ammwelil:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

03.16.2022

Ráál

I átirow, sáangi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3), bwe I ya takkal amwuri fischy me átirowa mwóghutughut kkal bwe aa lléghló reel fféerul me legal sufficiency.



Mr. Edward Manibusan
Soulemelemil Allégh Lapalap

3/14/2022

Ráál



Commonwealth Ports Authority

Francisco C. Ada/Saipan International Airport
PO BOX 501055 • SAIPAN • MP • 96950
Phone: (670) 237-6500/01 Fax: (670) 234-5962
E-Mail Address: cpa.admin@pticom.com Website: <https://cnmiports.com>



PUBLIC NOTICE

Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority

The Executive Director of the Commonwealth Ports Authority ("CPA") hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Airport Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED AMENDMENTS TO THE PERSONNEL RULES AND REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY: Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority intends to promulgate the following amendments to its Airport Rules and Regulations.

TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These proposed regulations amend the Airport Rules and Regulations to clarify that off-premises vehicle rental permittees cannot solicit customers at any CPA airport, to make the off-premises vehicle rental permit fees more equitable to Rota and Tinian off-premises vehicle rental businesses, to clarify insurance coverage requirements, to require vehicle rental businesses submit a CNMI business license, and to require each vehicle rental business present themselves in a neat and professional manner.

AUTHORITY: The substance of the following proposed amendments, which implements the amendments to the Permit Required for Vehicle Rental Service Regulation, was approved by the CPA Board of Directors at the February 25, 2022, CPA Board of Directors Meeting. These proposed amendments are for publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The Commonwealth Ports Authority has the authority to promulgate these regulations pursuant to 2 CMC § 2122.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations, 1 CMC § 9102(a)(1), and posted in convenient places in the civic center and in local governments in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(1).

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Executive Director, CPA, by means of one of the following: Email, fax, mail or hand-delivery to the CPA Administrative Office located on the Second Floor of the Francisco C. Ada/Saipan International Airport with the subject line "**Comments on Proposed Airport Rules and Regulations.**"

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com

All written comments shall be submitted within 30 days after publication of this notice.


Submitted by:



CHRISTOPHER S. TENORIO
Executive Director, CPA

3/10/2022
Date

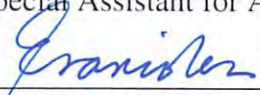
Received by:



MATILDA ROSARIO
Special Assistant for Administration

03/17/22
Date

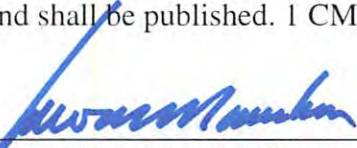
Filed and Recorded by:



ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

03.21.2022
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f).



EDWARD MANIBUSAN
Attorney General

3/18/2022
Date



Commonwealth Ports Authority

Francisco C. Ada/Saipan International Airport
PO BOX 501055 • SAIPAN • MP • 96950
Phone: (670) 237-6500/01 Fax: (670) 234-5962
E-Mail Address: cpa.admin@pticom.com Website: <https://cnmiports.com>



NUTISIAN PUPBLIKU

I Manmaproponi na Amenda gi Areklamentu yan Regulasion i Plâsan Commonwealth Ports Authority

I Eksakatibu Direktot gi Commonwealth Ports Authority (“i CPA”) ha infotma guini i publiku na i Commonwealth Ports Authority ha intensiona para u publiku i amenda siha gi iyon-ñiha Areklamentu yan Regulasion i Plâsa.

I AKSION NI MA INTENSIONA PARA U ADAPTA ESTI I MANMAPROPO NI NA AMENDA SIHA GI AREKLAMENTU YAN REGULASION I PLÂSAN COMMONWEALTH PORTS AUTHORITY: I nutisia guini mannâ i sigun para 1 CMC § 9104(a) gi Åkton “Administrative Procedure” na i Commonwealth Ports Authority ha intensiona para u cho’gui i tinattiyi na amenda siha gi iyon-ñiha Areklamentu yan Regulasion i Plâsa.

I TEMA, SUSTANSIA, YAN I DISKRIPSION I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: Esti i manmaproponi na regulasion siha inamenda i Areklamentu yan Regulasion i Plâsa para u klaruyi na i “off-premises” na atkilon kareta ni masedi manafanhâlum ti siña manman-“solicit customers” gi kuatkuet na Plâsan CPA, para u manaparehu i “off-premises” na atkilon âpas “permit” kareta gi Luta yan Tini’an na “off-premises” na atkilon bisnis siha, para u klaruyi i dinimândan “insurance coverage”, para u mamânda i atkilon bisnis kareta siha na u manahâlum i lisensian bisnis CNMI, yan para u mamânda kada atkilon bisnis kareta para u prisentan maisa siha gi ginâsgas yan profesionât na manera.

ÂTURIDAT: I “substance” nu i tinattiyi na manmaproponi na amenda siha, ni umimplimenta i amenda siha gi Dinimândan “Permit” gi Regulasion Setbisiun Atkilon Kareta, ginen inaprueba ni i Kuetpun Direktot CPA gi Fibreru 25, 2022, gi Huntan Kuetpun Direktot CPA. Esti i manmaproponi na amenda siha para u mapubliku gi halum Rehistran Commonwealth para Nutisia yan Upiñon sigun gi Åkton Administrative Procedure yan para u inaprueba ni Abugâdu Hinirât sigun para i 1 CMC § 2153(e). I Commonwealth Ports Authority gai aturidât para u cho’gui esti siha na regulasion sigun gi 2 CMC § 2122.

DIREKSION PARA U MAPO’LU YAN PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapubliku gi halum Rehistran Commonwealth gi halum seksiona ni Manmaproponi yan i Mannuebu na Manma’adapta na Regulasion siha, 1 CMC § 9102(a)(1), ya u mapega hâlum gi kumbinienti na lugât gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i prinsipât na lingguâhin natibu. 1 CMC § 9104(a)(1).

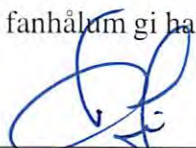
PARA U MAPRIBENIYI UPIÑON SIHA: I petsona siha pat atyu i malagu manna’halum upiñon siha debi di u macho’gui gi tinigi’ para guatu as Siñot Christopher S. Tenorio, Eksakatibun Direktot, CPA, gi unu na tinattiyi na manera: Email, fax, mail o sino intrega hâlum gi Ufisinan Atministradot i CPA ni gaigi gi Sigundu na Bibienda gi plâsan Francisco C. Ada/Saipan

International yan i suhetu na rãya “**I Upiñon siha gi Manmaproponi na Areklamentu yan Regulasion i Plãsa.**”

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com


Todu i tinigi' na upiñon siha debi na u fanhãlum gi halum trenta (30) dihas dispues di publikasion nu esti na nutisia.

Nina'hãlum as:


CHRISTOPHER S. TENORIO
Eksakatibun Direktot, CPA

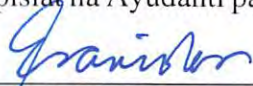
3/10/22
Fetcha

Rinisibi as:


MATILDA ROSARIO
Ispisiãt na Ayudãnti para i Atministrasion


03/17/22
Fetcha

Pine'lu yan Ninota as:


ESTHER R.M. SAN NICOLAS
Rehistran Commonwealth

03.21.2022
Fetcha

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligãt ginin i Abugãdu Henerãt CNMI yan debi na u mapublika, 1 CMC § 2153(f).


EDWARD MANIBUSAN
Abugãdu Hinirãt

3/18/2022
Fetcha



Commonwealth Ports Authority

Francisco C. Ada/Saipan International Airport

PO BOX 501055 • SAIPAN • MP • 96950

Phone: (670) 237-6500/01

Fax: (670) 234-5962

E-Mail Address: cpa.admin@pticom.com

Website: <https://cnmiports.com>



ARONGORONGOL TOULAP

Ppwomwol Liiwel ngáli Alléghúl me Mwóghutughutúl Plaasa me Commonwealth Ports Authority

Executive Director-il Commonwealth Ports Authority (“CPA”) e arongaar toulap bwe Commonwealth Ports Authority re mángemángil ebwe aronga liiwel ngáli Alléghúl me Mwóghutughutúl Plaasa.

MÁNGEMÁNGIL MWÓGHUTG REEL REBWE ADÓPTÁÁLI PPWOMWOL LIIWEL NGÁLI PERSONNEL ALLÉGH ME MWÓGHUTUGHUTÚL COMMONWEALTH PORTS AUTHORITY: Arongorong yeel nge sáangi 1 CMC § 9104(a) reel Administrative Procedure Act bwe Commonwealth Ports Authority re mángemángil rebwe arongawow liiwel ikka e amwirimwiritiw ngáli Alléghúl me Mwóghutughutúl Plaasa.

KKAPASAL, AWEWEL, ME FFATAAL REEL KKPASAL ME AUTOL: Ppwomwol liiwel kkal ebwe siiweli Alléghúl me Mwóghutughutúl Plaasa reel ebwe affata bwe “off-premises vehicle rental permittees” ese mmwel rebwe tingór ngáre ameeuw ngáliir schóól akkamé me plaasal CPA, reel rebwe ffil mille “off-premises vehicle rental permit fees” ngáli Luuta me Tchiliyól reel aar “off-premises vehicle rental businesses”, ebwe ffat bwe e lo “insurance coverage requirements”, “vehicle rental businesses” rebwe isiisilong “CNMI business license”, me ebwe ghal eschay me eschay schóó kka re lo bwe “vehicle rental business” e ghatch me ffil ngáre “professional manner”.

BWÁNGIL: Autol ppwomwol liiwel ikka e amwirimwiritiw, iye e ayoorai mwóghut ngáli liiwelil “Permit Required for Vehicle Rental Service Regulation”, e átirow sáangi Board-il Director me CPA wóól Mááisichigh 25, 2022, igha re yéélágh Board-il Directors-il CPA. Ebwe akkatééwow ppwomwol liiwel kkal me llól Commonwealth Register ngáli Arongorong me Kkapas sáangi Administrative Procedure Act me ebwe átirow sáangi Soulemelemil Allégh Lapalap sáangi 1 CMC § 2153(e). Eyoor bwángil Commonwealth Ports Authority reel rebwe aronga ppwomwol mwóghutughut kkal sáangi 2 CMC § 2122.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwomwol Mwóghutughut kkal me llól Commonwealth Register llól tánil Ppwomwol me Ffél Mwóghutughut ikka ra adóptááli, 1 CMC § 91029(a)(1), me ebwe appaschetá llól civic center me bwal llól

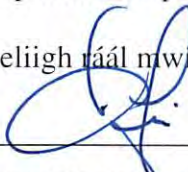
bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. 1 CMC § 91049(a)(1).

REEL ISIISILONGOL KKAPAS: Aramas ngáre schóó kka re tipáli rebwe isiisilong ischil kkapas rebwe isch ngáli Mr. Christopher S. Tenorio, Executive Director, ebwe yááyá eew meleyil ikka e amwirimwiritiw: “Email”, “fax”, kkatta ngáre bwughiló CPA Administrative Office iye e lo “Second Floor” me Francisco C. Ada/Saipan International Airport ebwe lo wóól “subject line” bwe **“Comments on Proposed Airport Rules and Regulations.”**

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com

Ebwe toolong alongal ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel.

Isáliyalong:



3/10/2022

CHRISTOPHER S. TENORIO
Executive Director, CPA

Ráál

Bwughiyal:



03/17/22

MATILDA ROSARIO
Special Assistant ngáli Administration

Ráál

Ammwelil:




03.21.2022

ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

Ráál

Sáangi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3) ra takkal amwuri fischiiy ppwomwol liiwel ikka e appasch me átirowa bwe aa ffil reel fféerúl me “legal sufficiency” sáangi Soulemelemil Allégh Lapalal CNMI me ebwe akkatééwow. 1 CMC 2153(f).



3/10/2022

EDWARD MANIBUSAN

Ráál

Soulemelemil Allégh Lapalal

§ 40-10.1-245 Permit Required for Vehicle Rental Service

(a) No vehicle rental business or solicitation for such business may be conducted upon or within the airport unless:

(1) On-premises Vehicle Rental Concessionaires. The vehicle rental business is operating under the terms of a valid lease or concession agreement with the Authority; or,

(2) Off-premises Vehicle Rental Permittees. The vehicle rental business shall obtain and have in full force and effect a written permit issued by the Executive Director, upon such terms and conditions as he shall deem to be in the best interests of the Authority. Such permit shall authorize the permittee to pick up pre-confirmed and prearranged customers only and only at such areas as the Executive Director shall designate for customer pick-up. In no event shall permittee be allowed to solicit customers at the airport, nor shall permittees be allowed to pick up any disembarking passengers or their baggage at the customs/passenger arrival area of the airport nor at the commuter terminal ~~of the Francisco C. Ada/Saipan International Airport.~~

(b) Any vehicle rental business operating under the terms and conditions of a permit issued under this section shall provide transportation for its customers by unmarked vehicles, so as not to encourage the solicitation of customers at the airport. The term "solicitation" as used in this section shall be specifically defined to mean the asking of a passenger or other person if he or she desires to rent a vehicle. Use of the public vehicular parking area by vehicle rental business operating under the terms of subsection (a)(2) is strictly prohibited. Such vehicle rental businesses shall not suffer or permit its customers to use such areas to pick up or drop off any rental vehicle, or for the storage of any rental vehicle. Permits issued under subsection (a)(2) shall not be exclusive. The fee for any permit issued under subsection (a)(2) shall ~~be not be less than 150% of the highest Minimum Annual Guarantee of any car rental concessionaire operating at that specific airport. If the highest Minimum Annual Guarantee changes after a permit is issued, then the permit fee shall be adjusted within thirty days to reflect that change. five thousand dollars per month for Francisco C. Ada/Saipan International Airport, three thousand five hundred dollars per month for Benjamin Taisacan Manglona and Tinian International Airports.~~ Permit fees and shall be payable monthly in advance. Failure to pay such permit fee within seven days of its due date shall serve to invalidate any permit understanding. Any vehicle rental business operating at or upon the airport without a valid permit, or in violation of the terms and conditions of its permit, or this subchapter, shall be subject to such penalties as set forth under § 40-10.1-255(f) and may have its privilege to conduct such business at the airport terminated pursuant to § 40-10.1-105.

(c) Each vehicle rental business servicing the Airport under § 40-10.1-245(a)(2) shall carry at least the following insurance coverage for its customers: Liability for bodily injury, including death (limits \$100,000.00 for each person, \$300,000.00 each accident) and for property damage (limit \$50,000.00).^{*}

~~^{*}So in original; see the comment to this section.~~

(d) Each vehicle rental business shall submit a CNMI business license, a certificate of insurance, and a copy of the insurance policy for review by the Executive Director prior to

obtaining a permit to operate a vehicle rental business at the airport. A certificate or certificates evidencing such insurance shall provide that such insurance coverage will not be cancelled or reduced without at least thirty days prior written notice to the Authority.

(e) Each vehicle rental business shall employ or permit the employment of only such personnel as will assure a high standard of service to the public. All such personnel, while on duty, shall be clean, neat in appearance and courteous at all times and shall be appropriately attired, with uniforms in such instances as are appropriate. If the vehicle rental business does not have a uniform, dress shirt and dress pants shall be worn, with shoes. Personnel may not wear zoris, tank tops, or T-shirts, unless it is the vehicle rental business's uniform. Personnel shall not use improper language, act in a loud, boisterous or otherwise improper manner or be permitted to solicit business in an inappropriate manner.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Amdts Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); Amdts Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Amdts Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

The 1994 amendments amended and readopted subsections (a) through (d). The 2004 amendments amended subsection (b).

In subsection (c), it appears that the following language was erroneously omitted in the 1994 amendments: "Each vehicle rental business servicing the Airport under Subpart (a) [subsection (a)(1)] of this Part 2.9 [§ 40-10.1-245] shall carry such insurance coverage for its customers as is provided in its agreement with the Authority. Each vehicle rental business servicing the Airport under subpart (b) [subsection (a)(2)] of this Part 2.9 [§ 40-10.1-245] shall carry at least the following insurance coverage for its customers:" Compare 14 Com. Reg. at 9552 (Aug. 15, 1992) and 16 Com. Reg. at 11688-89 (Feb. 15, 1994).



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION**

P.O. BOX 500135 Saipan, MP 96950
Email: info@cnmicannabis.org

**PUBLIC NOTICE OF ADOPTION OF PROPOSED RULES AND REGULATIONS FOR
THE CNMI CANNABIS COMMISSION**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, CNMI Cannabis Commission (“the Commission”) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Public Laws 20-66 and Public Law 21-05, including but not limited to 4 CMC 53008(b).

THE TERMS AND SUBSTANCE: The attached Rules and Regulations supplement the current regulations which govern and regulate the Cannabis Industry in the CNMI. The amendments declare unsuitable certain methods of operation which would negatively affect the cannabis industry in the CNMI.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Remove § 180-10.1-610 Start-Up Inventory (a) – (c)
2. Establish § 180-10.1-610 Seed-to-Sale – CTS Requirements [RESERVED]
3. Remove § 180-10.1-410 Licensee Prohibitions (a)(8)
4. Renumber § 180-10.1-410 Licensee Prohibitions (a)9-12 to reflect the removal of (a)(8)


DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district; the notice shall be both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, at the above address, fax or email address, with the subject line “New Cannabis Commission Rules and Regulations”. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

The CNMI Cannabis Commission approved the attached Regulations on the ____ day of _____, 2022.

Submitted by: 
NADINE DELEON GUERRERO
Chairman of the Commission

03.10.2022
Date

Concurred by: 
Hon. RALPH DLG TORRES
Governor


3/16/22
Date

Filed and Recorded by: 
ESTHER SAN NICOLAS
Commonwealth Registrar

03.21.2022
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 21 day of March, 2022.


Hon. EDWARD MANIBUSAN
Attorney General



**COMMONWEALTH GI SANGKATTAN NA ISLAS MARIÑANAS
KUMISIÓN CANNABIS**

P.O. BOX 500135 Saipan, MP 96950
Email: info@cnmicannabis.org

**NUTISIAN PUBLIKU PUT I ADÁPTAN NU I MANMAPROPONI NA AREKLAMENTU
YAN REGULASION SIHA PARA I KUMISIÓN CANNABIS GIYA CNMI**

I AKSION NI MA'INTENSIONA PARA U ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariñanas, I KumisiÓN Cannabis giya CNMI ("i KumisiÓN") ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Ákton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempri umifektibu gi dies (10) dihas dispues di adáptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ÁTURIDÁT: I KumisiÓN gai áturidát para u adápta i areklamentu yan regulasion siha ni para u adilanta i yon-ñiha ubligasion yan responsabilidát siha sigun gi Lain Publiku 20-66 yan Lain Publiku 21-05, umingklusu lão ti chi'ña para 4 CMC 53008(b).

I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I mañechettun na Areklamentu yan Regulasion siha ha suplimenta i presentu na regulasion siha ni ha gubietna yan diririhi i Industrian Cannabis gi halum iya CNMI. I amenda siha dumiklára i ti mampropiu na manmetton na maneran nu operasion siha ni siempri ha afekta gi binába i industrian cannabis gi halum iya CNMI.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: Esti na areklamentu yan regulasion siha:


1. Na'suha § 180-10.1-610 I Tutuhun Listan Attikulu (a) – (c)
2. Establesi § 180-10.1-610 Simiya para Mabendi Dinimåndan i CTS [RESERVED]
3. Na'suha § 180-10.1-410 Pruhision Malisensiáy i (a)(8)
4. Renumber § 180-10.1-410 Pruhision Malisensiáy i (a)9-12 para u riflekta i nina'suhan nu i (a)(8)

DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adápta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi halum kumbinienti na lugát gi halum civic center yan i ufisinan gubietnamentu gi kada distritun senadot; i nutisia siempri parehu Inglis yan i prinsipát na lingguáhin natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hãnao pat intrega hãlum i upiñom-mu guatu para i KumisiÓN Cannabis giya CNMI, *Attn: Nuebu na Areklamentu yan Regulasion KumisiÓN Cannabis*, gi sanhilu' na address, fax osino email address, yan i suhetu na rãya "Nuebu na Areklamentu yan Regulasion KumisiÓN Cannabis". Todu i upiñon siha debi na

u fanhålum gi halum trenta (30) dihas ginen i fetchan publikasion nu esta na nutisia. Put fabot intrega hålum i infotmasion, upiñon, pat testimonion kinentrãm-mu siha. (1 CMC § 9104(a)(2))

I Kumisiòn Cannabis iya CNMI ma'aprueba i mañechettun na Regulasion siha gi diha _____ gi _____, 2022.

Nina'hålum as: 
NADINE DELEON GUERRERO
Kabesiyun Kumisiòn

03/16-2022
Fetcha

Finitma as: 
Hon. RALPH DLG TORRES
Maga'låhi

3/16/22
Fetcha

Pine'lu yan
Ninota as: 
ESTHER SAN NICOLAS
Rehistran Commonwealth

03.21-2022
Fetcha

Sigun para 1 CMC § 2153(e) (I Abugådu Heneråt ma'aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugådu Hiniråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 21 gi March, 2022.


Hon. EDWARD MANIBUSAN
Abugådu Hiniråt



**COMMONWEALTH TÉEL FALÚW KKA EFÁNG LLÓL MARIANAS
CANNABIS COMMISSION**

P.O. BOX 500135 Saipan, MP 96950
Email: info@cnmicannabis.org

**ARONGORONG TOULAP REEL PPWOMWOL ALLÉGH ME MWÓGHUTUGHUT
IKKA REBWE ADÓPTÁÁLI NGÁLI CNMI CANNABIS COMMISSION**

MÁNGEMÁNGI MWÓGHUT REEL REBWE ADÓPTÁÁLI ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Téel Falúw kka Efáng llól Marianas, CNMI Cannabis Commission (“Commission we”) re mángemángil rebwe adóptááli Ppwomwol Mwóghutughut ikka e appasch bwe aa lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkal llól seigh ráál mwiril aal akkatééwow me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Eyoor bwángil Commission reel rebwe adóptááli allégh me mwóghutughut llól ghatchúl me lemelemil sáangi Alléghúl Toulap 20-66 me Alléghúl Toulap 21-05, e schuulong nge ese yúgh ngáli 4 CMC 53008(b).

KKAPASAL ME WEEWEL: Ebwal schuulong llól Allégh me Mwóghutughut ikka e appasch mwóghutughut ikka e lo iye e ayoorai lemelem me mwóghutughut ngáli “Cannabis Industry” me llól CNMI. Eyoor liiwel ikka ese ffil ngáli mwóghutughutúl me e lo bwe “negative affect” “cannabis industry” me llól CNMI.

KKAPASAL ME AUTOL: Allégh me Mwóghutughut kkal:

1. Siiweli § 180-10.1-610 “Start-Up Inventory” (a) – (c)
2. Ittitiwel § 180-10.1-610 “Seed-to-Sale – CTS Requirements [RESERVED]”
3. Siiweli § 180-10.1-410 “Licensee Prohibitions” (a)(8)
4. Ayoorai sefááli páápál § 180-10.1-410 “Licensee Prohibitions” (a)9-12 ebwe súllúngáli siiwelil (a)(8)

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwomwol Mwóghutughut me llól Commonwealth Register llól táлил ppwomwol me ffél mwóghut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschetá me llól civic center llól bwulasiyol gobetnameento llól senatorial district; ebwe lo arongorong yeel llól English me mwaliyaasch. (1 CMC § 9104(a)(1)).

REEL ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw ischil kkapas ngáli CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, reel féféfé iye lo weiláng, fax ngáre “email address”, fengál wóól “subject line” bwe “New Cannabis Commission Rules and Regulations”. Ebwe toolong ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw “data”, “views”, ngáre angiingi. (1 CMC § 9104(a)(2))

CNMI Cannabis Commission ra átirowa Mwóghutughut ikka e appasch wóol
_____, rááil _____, 2022..

Submitted by: 
NADINE DELEON GUERRERO
Chairman-il Commission

03.10.2022
Ráál

Concurred by: 
Hon. RALPH DLG TORRES
Soulemelem


3/16/22
Ráál

Filed and
Recorded by: 
ESTHER SAN NICOLAS
Commonwealth Registrar

03.21.2022
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel ppwomwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapa CNMI me ebwe akkatéewow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Aghikkilátiw wóol 21 rááil March, 2022.


Hon. EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950
Email: info@cnmicannabis.org
(670) 488-0420 | (670) 488-2627

§ 180-10.1-610 Start-up Inventory

- ~~a) Marijuana producers may not receive immature marijuana plants or seeds from any source other than from another licensee, except:~~
- ~~1. Between January 1, 2021 and January 1, 2022, a marijuana producer may receive immature marijuana plants and seeds from any source within the Commonwealth for up to one year following initial licensure by the Commission;~~
- ~~b) The marijuana producer shall report receipt of the number of immature marijuana plants or seeds received under this section within 24 hours of the plants or seeds arriving at the licensed premises. A producer does not have to document the source of the immature plants or seeds during the one-year start-up period.~~
- ~~e) Failure to comply with this rule is a violation and could result in license revocation.~~

§ 180-10.1-610 Seed-to-Sale – CTS Requirements [RESERVED]

§ 180-10.1-410 Licensee Prohibitions

- a) A licensee may not:
1. Import into the Commonwealth or export from the Commonwealth any marijuana items unless permitted by the Commission;
 2. Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;
 3. Sell, give or otherwise make available any marijuana items to any person who is visibly intoxicated;
 4. Make false representations or statements to the Commission in order to induce or prevent action by the Commission;
 5. Maintain a noisy, disorderly or unsanitary establishment or supply adulterated marijuana items;
 6. Misrepresent any marijuana item to a customer or to the public;
 7. Sell any marijuana item through a drive-up window;
 - ~~8. Deliver marijuana to any consumer off the licensed premises except as permitted by [the provision regarding the delivery of marijuana items by retailers];~~
 8. Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the laws of the Commonwealth; or
 9. Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.
 10. Sell any marijuana items during elections.
 11. Sell a whole marijuana plant



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- *Public School System*

PO Box 501370 Saipan, MP 96950 . Tel. 670 664-3711 . E-mail: boe.admin@cnmipss.org



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Antonio L. Borja
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Jed R. Sta. Theresa
Student Representative

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-40 PUBLIC SCHOOL SYSTEM RULES AND REGULATIONS

PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System (PSS) finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board’s authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed amendment set forth to provide procedural guidelines for PSS §60-40-210 Small Purchases subsection g. to increase the threshold limit for Contracts procured for Capital Improvement Projects from \$30,000.00 to \$50,000.00.


THE SUBJECTS AND ISSUES INVOLVED: The Proposed Regulation sets forth the regulations and procedures required for §60-40-210 Small Purchases subsection g. Contracts procured hereunder shall not exceed \$50,000 and shall be accompanied by a justification, in writing, by the Capital Improvements Projects office and agreed to and signed by the Commissioner of Education.


DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations. (1 CMC § 9102(a) (1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104 (a) (1))

TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, State Board of Education, via mail at P.O. Box 501370 CK, Saipan, MP 96950, via phone at 670-664-3711 or via email to boe.admin@cnmipss.org within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

This regulation was approved at the State Board of Education Special Meeting on September 1, 2021.


Submitted by:  2/11/22
Gregory P. Borja Date
Chairman, State Board of Education

Received by:  03/25/22
Mathilda A. Rosario Date
Special Assistant for Administration

Filed and Recorded by:  03.28.2022
~~Esther S.N. Nestor~~ R.M. SAN NICOLAS Date
Commonwealth Register ^{NEW}

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104 (a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated this 28 ^{March} day of ~~February~~, 2022.


Edward E. Manibusan
Attorney General



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boc.admin@cnmipss.org



Voting Members

Gregory P. Borja
Chairperson

Antonio L. Borja
Vice Chairperson

Maisie B. Tenorio
Secretary/Treasurer

Herman M. Atalig, SGM
(Ret)
Member

Andrew L. Orsini
Member

Non-Voting Members

Phyllis M. Ain, J.D.
Teacher Representative

Ronald E. Snyder, EdD
Non Public School Rep.

Jed R. Sta. Theresa
Student Representative

NUTISIAN PUPBLIKU PUT I MANMAPRONI NA AREKLAMENTU YAN REGULASION NI MANMA'AMENDA PARA AREKLAMENTU YAN REGULASION SIHA PUT I PÁTTIN 60-40 GI AREKLAMENTU YAN REGULASION I SISTEMAN ISKUELAN PUPBLIKU

I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariánas Sistemán Iskuelan Pupblíku ("PSS") ha sodda' na:

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariánas Siha, i Sistemán Iskuelan Pupblíku ha intensiona para u adápta komu petmanienti i regulasion siha ni mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Ákton Administrative Procedures, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies (10) dihas dispues di adáptasion yan publikasion gi halum i Rehistran Commonwealth (1 CMC § 9105(b))

ÁTURIDÁT: I manmaproponi na amenda siha para i regulasion PSS manmácho' gui sigun gi áturidát i Kuetpu komu mapribeniya ginin i Attikulu XV gi Konstitusion CNMI, Lai Pupblíku 6-10 yan i Ákton i CNMI Administrative Procedures.


I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I manmaproponi na amenda mapega mo'na para u pribeniya i maneran giniha para PSS § 60-40-210 I Mandikiki Na Fináhan Siha gi "subsection g." para u aomenta i chi'ña i "threshold" para i Kontráta Siha" ni maprokura para "Capital Improvement Projects" ginen \$30,000.00 asta \$50,000.00.


I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA: I Maproponi na Regulasion pumega mo'na i regulasion yan i manera ni manisisita para § 60-40-210 I Mandikiki Na Fináhan Siha gi "subsection g." i Kontráta siha ni maprokura i para u mamensona na ti debi na u upus \$50,000 yan debi na u danña hálum yan máulik na rason, gi tinigi', ginen i ufisinan "Capital Improvements Projects" yan debi na u inapruaba as yan finitma ginen i Kumisinan Idukasion.


DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adápta na regulasion siha. (1 CMC § 9102 (a)(1) yan mapega gi halum i kumbinienti na lugát siha gi halum i civic center yan hálum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i dos na lingguáhin natibu. (1 CMC § 9104(a)(1))

PARA U MAPRIBENIYU UPINON SIHA: Todu i manintirisão na petsona siha siña ma'eksamina i manmaproponi na amenda siha yan intrega hálum i tinigi' upiñon pat sinangan siha para pat kinentran i manmaproponi na amenda siha guatu gi Kabesiyu, i State Board of Education, mail gi P.O. Box 501370 CK, Saipan, MP 96950, pat ágang gi 670-664-3711 pat email para boe.admin@cnmipss.org gi halum i trenta (30) dihas gi fetchan kalendáriu ni tinattitiyi ni publikasion esti siha na amenda gi hálum i Rehistran Commonwealth. (1 CMC § 9104 (a)(2))

Esti na regulasion ma'aprueba gi Ispisiát Huntan i State Board of Education gi September 1, 2021


Nina'hálum as:  2/23/22
Gregory P. Borja
Kabesiyu, State Board of Education
Fetcha

Rinisibi as:  03/25/22
Matilda Matilda A. Rosario
Ispisiát Na Ayudántin I Atministrasion
Fetcha

Pine'lu yan  03-28-2022
Ninota as: Esther S.N. Mesbit *R.M. SAN NICOLAS*
Rehistran Commonwealth
Fetcha

Sigun i 1 CMC § 2153(e) (Inaprueba i regulasion yan siha ni Abugádu Henerát ni para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueba Abugádu Henerát) i man maproponi na regulasion siha ni mañechettun guini ni man maribisa yan man ma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapublika, (1 CMC § 2153(f) publikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha 28 Matsu
gi Fiberu, 2022


Edward E. Manibusan
Abugádu Hinirát



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- *Public School System*
PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boe.admin@cnmipss.org



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Antonio L. Borja
Vice Chairperson

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Secretary/Treasurer

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Non Public School Rep.

Jed R. Sta. Theresa
Student Representative

ARONGORONGOL TOULAP REEL PPWOMWOL ALLÉGH ME MWÓGHUT IKKA AA LIWEL NGÁLI ALLÉGH ME MWÓGHUT IYE E SÚLLÚNGÁLI CHAPTER 60-40 ALLÉGH ME MWÓGHÚTÚGHÚTÚL PUBLIC SCHOOL SYSTEM

PWOMWOL ALLÉGH ME MWÓGHÚTÚGHÚT: Commonwealth Téél Falúw kka Efáng llól Marianas Public School System (PSS) re schuungi bwe:

MÁNGÁMÁNGIL MWÓGHÚT REEL REBWE ADOPTÁALI PWOMWOL ALLÉGH ME MWÓGHÚT: Commonwealth Téél Falúw kka Efáng llól Marianas Public School System re mángámángil rebwe adoptáali bwe ebwe lléghéló allégh kka e appasch bwe Pwomwol Mwóghút, sáangi mwóghútúghútúl Administrative Procedure Act, 1 CMC 8 9104(a). Ebwe bwunguló Mwóghut kkal llól seigh (10) ráál mwiril yaar adoptáali me akkatéwowul me llól Commonwealth Register. (1 CMC 8 9105(b))

BWÁNGIL: Pwomwol lliwel ngáli mwóghútúghútúl PSS nge re arongawow sáangi bwangiir Board iye e tooto merel Article XV reel CNMI Constitution, Alléghúl Toulap 6-10 me CNMI Administrative Procedures Act.

KKAPASAL ME WEEWEL: Ppwomwol lliwel kkal e lo me ayoorai afal ngáli PSS §60-40-210 “Small Purchases subsection g. ebwe lapaló “threshold limit” ngáliir “Contracts” ikka re bweibwogh ngáli bwulasiyol “Capital Improvements Projects” sáangi \$30,000.00 ngáli \$50,000.00.

ME AUTOL: Ppwomwol Mwóghutughut kka ebwe tééló mmwal me ayoorai mwóghutughut ngáli PSS §60-40-210 “Small Purchases” “subsection g.” “Contracts” ikka e lo faal essóbw aluuló \$50,000 me ebwe schuu fengál me “justification”, llól isch, sáangi bwulasiyol Capital Improvement Projects me e bwunguló me eyoor ghikkillil sáangi Commissioner-il Education.


AFAL REEL AMMWÁLÚL ME AKKATÉÉWOWUL: Ebwe akkatééwow Pwomwol Mwóghút kkal llól Commonwealth Register táilil wóol pwomw me mwóghút ffé kka ara adóptáali. (1 CMC § 9102(a)(1) me ebwe appaschatá llól civic center llól bwulasiyool gobetnameento senatorial disctrict, fengál llól Amerikkóonu me mwaliyaasch. (1 CMC § 9104 (a)(1))

STUDENTS FIRST

REEL ISISILONGOL KKAPAS: Schoo kka re mwuschál amweri fischiiy pwomwol lliwel kkal rebwe isisilong ischil mángámang, positions, ngáre kkapasal aweewe ngáli ngáre ubwe fiyowágháli pwomwol lliwel ngáli Chairperson, State Board-il Education, via mail me P. O. Box 501370 CK, Saipan, MP 96950, via tilifon me 670-664-3711 ngáre via email ngáli boe.admin@cnmipss.org llól eliigh (30) ráál mwiril yaal akkatééwow arongorong yeel me llól Commonwealth Register reel lliwel kkal. (1 CMC S 9104(a) (2))


Aa átirow mwóghút kkal sáangi State Board of Education Special Meeting wóól Mááilap limoow ruwangaras ruweigh me eew (September 1, 2021).

Isáliyallong: _____


Gregory P. Borja
Chairman, State Board of Education

3/7/22
Ráál

Bwughiyal: _____


Matilda A. Rosario
Special Assistant ngáli Administration

03/28/22
Ráál

Ammwálúl: _____



Esther SN. Nesbitt
Commonwealth Register

03.28.2022
Ráál

Sáangi 1 CMC § 2153(e) (sáangi yaal lléghéló me átirow mwóghútúghút kkal merel AG bwe aa fil reel fferúl) me 1 CMC § 9104 (a) (3) (sáangi átirowal AG) reel pwomwol mwóghút ikka e appasch me ara takkal amweri fischiiy bwe aa lléghéló reel fferúl me legal sufficiency sáangi Sów Lemelemil Allégh Lapalap CNMi me ebwe akkatééwow (1 CMC 8 2153(f) (akkatééwowul allégh me mwóghútúghút).

Aghikkilatiw _____
(2022)

28 rállil Sééta Ruwangaras ruweigh me eew (Mark February,


Edward E. Manibusan
Soulemelemil Allégh Lapalap

§ 60-40-210 Small Purchases

(a) Any procurement not exceeding the amounts established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.

(b) Purchases not exceeding **\$500.00** may be made without securing bids or price quotations if the Chief of Procurement and Supply considers the price reasonable. Such determination shall be made in writing and shall indicate: (1) the reason why price quotations were not sought; (2) the utility of the purchase; (3) an explanation of why the price is reasonable under the circumstances.

(c) The Capital Improvements Projects office shall be permitted to make small purchases according to subsection (b), but a small purchase shall be considered \$1,000.

(d) Bidding is not required but is encouraged for

procurement under \$10,000. Price quotations from at least three vendors must be obtained and the selection based on competitive price and quality for procurement valued at under \$10,000. Any price quotations obtained must be written, documented, and submitted to the Chief for approval. However, if it is an emergency and three price quotations are not practicable, the purchase shall function as an emergency procurement and follow § 60-40-220.

(e) Purchase orders may be utilized for small purchases in subsections (b) and (c) only. Purchase orders may also be utilized instead of contracts for purchasing instructional materials, books, and publications.

(f) This section shall not apply to lease or purchase of vehicles, machinery and equipment or to the purchase of professional services.

(g) Construction services may be procured by obtaining three price quotations from qualified contractors. Procurement under this subsection shall be limited to renovations of existing structures, repairs, maintenance, materials, and construction equipment. No new buildings or structures shall be built using this subsection. **Contracts procured hereunder shall not exceed \$50,000 and shall be accompanied by a justification, in writing, by the Capital Improvements Projects office and agreed to and signed by the Commissioner of Education.**

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE**

In Re Matter of:)	PUA Case No. 21-0141
)	
Marcos I. Aniana,)	
)	
Appellant,)	ADMINISTRATIVE ORDER
)	
v.)	
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	

I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on October 28, 2021 at 9:00 a.m. at the Administrative Hearing Office, Saipan. Appellant Marcos I. Aniana (“Appellant”) appeared telephonically and was self-represented. Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance program (“Appellee” or “Department”) was present and represented by PUA Coordinator Kristian Casey Parulan and Benefit Payment Control Unit PUA Coordinator Ryan Litulumar. There were no other witnesses that provided testimony at the Administrative Hearing. The Administrative Hearing was assisted by an interpreter, Rochelle Tomokane. The following documents were admitted into evidence:

Exhibits:

1. Exhibit 1: Copy of the Appellant’s Application Snapshot (online version), filed on June 23, 2020;
2. Exhibit 2: Copies of Appellant’s Weekly Certifications (online versions) for April 5, 2020 to May 2, 2020
3. Exhibit 3: Copies of Appellant’s passport, U.S. Permanent Resident card (valid from June 22, 2018 to June 22, 2028), Saipan driver’s license, and Social Security card;

4. Exhibit 4: Copy of Verification of Partial Unemployment Status Pandemic Unemployment Assistance submitted by Appellant's Employer Yaong Corporation ("Employer"), dated June 26, 2020;
5. Exhibit 5: Copy of Memorandum issued by Appellant's Employer, dated March 30, 2020;
6. Exhibit 6: Copy of Email Communications between Employer and Department's Benefit Payment Control Unit ("BPC"), dated October 21, 2021;
7. Exhibit 7: Copy of Appellant's Resignation Letter to his Employer, dated November 9, 2020;
8. Exhibit 8: Copies of Appellant's Doctor's Notes, dated July 19, 2021 and December 17, 2020;
9. Exhibit 9: Copy of Department's Disqualifying Determination, dated June 10, 2021;
10. Exhibit 10: Copy of Department's Notice of Determination of Pandemic Unemployment Assistance (PUA) Overpayment, dated June 25, 2021;
11. Exhibit 11: Copy of Department's Disqualifying Determination, dated October 21, 2021;
12. Exhibit 12: Copy of the Department's Benefit Payment Control Unit ("BPC's") Audit Summary;
13. Exhibit 13: Copy of BPC's Notice of Overpayment, dated October 26, 2021;
14. Exhibit 14: Copy of BPC Payment Plan Agreement signed by the Appellant on October 26, 2021;
15. Exhibit 15: Copy of Appellant's Request for Appeal, dated July 21, 2021;
16. Exhibit 16: Copy of Notice of Hearing, issued July 21, 2021; and
17. Exhibit 17: Copy of PUA and FPUC Benefits Rights Information Handbook.

For the reasons stated below, the Department's Determination dated June 10, 2021 is **AFFIRMED**. Claimant is not eligible for benefits for the period of November 10, 2020 to September 4, 2021. Further, the Department's Notice of Overpayment dated June 25, 2021 is **AFFIRMED**. Appellant was overpaid in the amount of \$345.00.

//
//

II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security (“CARES”) Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance (“PUA”)¹ and Federal Pandemic Unemployment Compensation (“FPUC”).² On December 27, 2020, the Continued Assistance for Unemployed Workers Act of 2020 (“Continued Assistance Act”) amended and created new provisions of said federal unemployment insurance programs, which, among other things, extended the PUA and FPUC programs to March 13, 2021.³ On March 11, 2021, the American Rescue Plan Act of 2021 (“ARPA”) extended the programs to September 6, 2021. The CNMI Department of Labor is charged with the responsibility in administering the above-mentioned programs in the CNMI in accordance to applicable law.⁴ The CNMI Department of Labor Administrative Hearing Office has been designated to preside over appeals of agency decisions.

Upon review of the records, the appeal is not timely filed. Accordingly, jurisdiction is not established.

III. PROCEDURAL BACKGROUND & ISSUES

Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon review of Appellant’s application and supporting documents, the Department issued a Disqualifying Determination on June 10, 2021 and a Notice of Overpayment on June 25, 2021. On July 21, 2021, Appellant filed the present appeal of the Determination and the Notice of Overpayment.

On July 21, 2021, this matter was scheduled for a hearing. As stated in the Notice of Hearing, the issues on appeal are: (1) whether the appeal is timely filed; (2) whether Appellant is eligible for PUA; and (3) whether an overpayment occurred and funds should be returned.

//

¹ See Section 2102 of the CARES Act of 2020, Public Law 116-136.

² See Section 2104 of the CARES Act of 2020, Public Law 116-136.

³ See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for Unemployed Workers Act of 2020” or “Continued Assistance Act”).

⁴ Pursuant to Section 2102(h) of the CARES Act of 2020 (Pub. L. 116-136) and 20 CFR § 625.2(r)(1)(ii), the CNMI Governor issued Executive Order No. 2020-09 declaring Hawaii Employment Security Law as the applicable state law in the CNMI. Hawaii state law applies, to the extent it does not conflict with applicable federal law and guidance.

IV. FINDINGS OF FACT

In consideration of the evidence provided and credibility of witness testimony, the undersigned issues the following findings of fact:

1. Prior to the COVID-19 pandemic, Appellant was employed as a Warehouseman and Deliveryman at Yaong Corporation (“Employer”), located in Saipan, CNMI. Appellant was paid \$620.00 biweekly and regularly worked 40 hours per week.⁵
2. Due to the impact of the pandemic, Appellant’s Employer implemented cost-cutting measures that affected Appellant’s employment. Specifically, effective April 1, 2020, Employer reduced hours of operation and reduced the hours of all warehousemen and drivers because of reduction in business and work activity due to the COVID-19 public health emergency.⁶ The hours of all warehousemen, including Appellant’s hours, were reduced to 6 days a week (Monday through Saturday), from 7:30 a.m. to 1:00 p.m.⁷
3. On or around June 23, 2020, Appellant applied for unemployment assistance under the PUA and FPUC programs administered by the Department.⁸ Therein, Appellant designated email as his preferred method of notification.⁹ Also, in his initial application, Appellant self-certified under penalty of perjury that:
 - a. Appellant’s employment was directly affected by COVID-19 when Employer reduced the hours of employees;
 - b. Appellant’s employment was affected since March 30, 2020; and
 - c. Appellant informed his Employer he would not work from April 5 to May 31, 2020 because of fear of contracting COVID-19.¹⁰
4. Subsequently, Appellant submitted weekly certifications to claim continued benefits.¹¹ In each weekly certification, Appellant reported the following:
 - a. His employment was still affected by COVID-19 because his place of employment is closed as a direct result of the COVID-19 public health emergency;
 - b. He is still unemployed as a direct result of COVID-19 public health emergency;

⁵ See Exhibits 1 and 5.

⁶ Exhibit 4 and 5.

⁷ Exhibit 5.

⁸ Exhibit 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Exhibit 2.

- c. He is able and available for work during the claimed week; and
 - d. He did not earn any income during the claimed week.¹²
5. Based on the answers on Appellant's initial application and weekly certifications, Appellant's claim was processed for payment. As demonstrated by an internal audit¹³ and confirmation with the Department of Finance, Appellant received a total amount of \$17,561.13 in federal unemployment benefits, paid by paper checks.¹⁴
 6. The answers provided in Appellant's initial application and weekly certifications were submitted under penalty of perjury. It is Appellant's responsibility to provide true, accurate, and complete answers. Moreover, it is Appellant's responsibility to be informed about the program by reading the PUA Benefit Rights Information Handbook and other official written material regarding PUA.
 7. The answers and self-certifications that Appellant provided in his application and weekly certifications were not entirely truthful, accurate and complete. Specifically, Appellant's place of employment was not closed as a direct result of the COVID-19 public health emergency and his continued unemployment was not caused by the COVID-19 public health emergency. Rather, Appellant took personal leave from April 5, 2020 to May 3, 2020 because of his personal concerns and fear of contracting COVID-19¹⁵ and Appellant subsequently resigned, effective November 9, 2020, due to personal concerns, including his health concerns, his age, his physical capability and his fear of contracting COVID-19.¹⁶
 8. On June 10, 2021, the Department issued a determination disqualifying Appellant from PUA and FPUC benefits effective from November 10, 2020 to September 4, 2021.¹⁷ Specifically, the Department disqualified Appellant because the Department's investigation and available information concluded it is apparent that the documents and proof of employment that Appellant resigned and it was not due to COVID-19 and in order to claim PUA benefits, Claimant must file his claim in which employment was

¹² *Id.*

¹³ Exhibit 12.

¹⁴ Exhibit 12.

¹⁵ Exhibit 6.

¹⁶ *See* Exhibits 1, 6, 7 and 8.

¹⁷ *See* Exhibit 9.

affected.¹⁸ The Determination provided that Appellant had 10 days from the mail date to file an appeal and it provided instructions on how to file an appeal.¹⁹ The Determination had a mail date of June 10, 2021 and it specifically stated that the appeal “**must be received or postmarked by 06/20/2021.**”²⁰

9. Subsequently, the Department issued a Notice of Determination of Pandemic Unemployment Assistance (PUA) Overpayment for a total of \$345.00 for week ending November 14, 2020.²¹ Similar to the June 10, 2021 Determination, the Notice of Determination issued on June 25, 2021 stated that the appeal “must be received within ten (10) days of the Notice Date.”²² The Notice of Overpayment was dated June 25, 2021, so the Appellant’s appeal of the Notice of Overpayment was due on July 6, 2021.²³
10. On July 21, 2021, Appellant filed the present appeal²⁴ and the matter was scheduled for an Administrative Hearing.²⁵ In his Request for Appeal, Appellant stated he is appealing the June 10, 2021 Determination and June 25, 2021 Notice of Overpayment.²⁶
11. Appellant claimed he filed his appeal late because he did not know how to access is online PUA Portal and email and that his daughter, who helped him with the application online and with accessing the PUA Portal and email, was off island at the time the Determination and Notice of Overpayment were issued. Appellant further claimed that he only learned to access his PUA Portal and email on July 18, 2021.
12. Subsequently, on October 21, 2021, the Department issued a Determination disqualifying Appellant from PUA and FPUC benefits from April 5, 2020 to May 2, 2020 because the Department found and confirmed, based on email communications with Appellant’s Employer, that Appellant took leave of absences on those dates for personal reasons that were not due to the COVID-19 public health emergency.

¹⁸ *Id.*

¹⁹ *See id.*

²⁰ *Id.* (bold emphasis in original).

²¹ *See* Exhibit 10.

²² Exhibit 10.

²³ *Id.* July 5, 2021 was a federal and CNMI governments holiday.

²⁴ Exhibit 15.

²⁵ Exhibit 16.

²⁶ *See* Exhibit 15.

13. On October 26, 2021, BPC issued a Notice of Overpayment for a total of \$3,909.13 in federal unemployment benefits for the following dates and for the following stated reasons:
- a. For weeks ending August 1, 2020, September 12, 2020, September 19, 2020, October 3, 2020, October 17, 2020, October 24, 2020, and November 7, 2020, Appellant misfiled his earnings;
 - b. From April 5, 2020 through May 3, 2020, Appellant was ineligible for PUA and FPUC benefits because he took leave of absence from work due to personal reasons; and
 - c. For week ending November 14, 2020, Appellant resigned from employment effective November 9, 2020 due to reasons unrelated to COVID-19 pandemic.²⁷
14. On October 26, 2021, Appellant concurred with the October 26, 2021 Notice of Overpayment and he agreed to repay the \$3,909.13 in overpayment.²⁸ Subsequently, the Appellant made payments to repay the October 26, 2021 Overpayment pursuant to the Payment Plan Agreement.²⁹
15. As discussed during the Administrative Hearing and noted in his Request for Appeal, Appellant is appealing only the June 10, 2021 Determination and June 25, 2021 Notice of Overpayment.³⁰

V. CONCLUSIONS OF LAW

In consideration of the above-stated findings and applicable law, the undersigned issues the following conclusions of law:

- 1. Appellant's appeal of the June 10, 2021 Determination and June 25, 2021 Notice of Overpayment is not timely filed.**

Generally, an appeal should be filed within ten days after the Notice of Determination was issued or served to the claimant. However, the Department may extend the period to thirty days by a showing of good cause.³¹ Good cause means: (1) illness or disability; (2) keeping an

²⁷ See Exhibit 13.

²⁸ See Exhibit 14.

²⁹ See *id.*

³⁰ See Exhibit 15.

³¹ Haw. Rev. Statute § 383-38(a).

appointment for a job interview; (3) attending a funeral of a family member; and (4) any other reason which would prevent a reasonable person from complying as directed.³²

On June 23, 2020, Appellant filed an application for federal unemployment benefits.³³ Therein, Appellant designated email as his preferred method of notification.³⁴ Also, in his application, Appellant acknowledged that it is his responsibility to read the PUA and FPUC Benefit Rights Information Handbook (“Handbook”) and any other official written material provided.³⁵ Notably, the Handbook was publicly available throughout the program and included important information regarding program requirements and processes—including appeals.³⁶ Moreover, the Department issued a number of press releases to clarify the appeals processes and directed claimants to the PUA Handbook and applicable forms.

Also, as demonstrated through substantiating documents and testified to by the Department, Appellant was provided with instructions on how to file his appeal through multiple avenues.³⁷ On June 10, 2021, the Department issued and transmitted to the Appellant the Disqualifying Determination via email and through Appellant’s PUA Portal, which is the preferred notification method that Appellant selected in his application.³⁸ The June 10, 2021 Determination stated that Appellant had “10 days from the mail date” of the Determination to file an appeal. Moreover, the Determination specifically stated that the appeal “**must be received or postmarked by 06/20/2021**. If you do not make that deadline, you lose the right to appeal this determination.”³⁹ Appellant did not file his Appeal of the Determination and Overpayment until July 21, 2021, more than 30 days after the deadline.⁴⁰

Similarly, BPC issued a Notice of Overpayment dated June 25, 2021 and this Notice of Overpayment stated that an appeal of the notice of overpayment should be filed by the Appellant

³² HAR § 12-5-81(j).

³³ Exhibit 1.

³⁴ *Id.*

³⁵ See Exhibit 1.

³⁶ See Exhibit 17.

³⁷ See Exhibits 9, 10, 11 and 17.

³⁸ Exhibit 1.

³⁹ Exhibit 9 (bold emphasis in original).

⁴⁰ Exhibit 15.

within ten days of the of the notice date, that is by July 6, 2021.⁴¹ In this case, Appellant also filed his appeal of the June 25, 2021 Notice of Overpayment late, on July 21, 2021.⁴²

In his Request for Appeal and during the Administrative Hearing, Appellant stated that he was late in filing his appeal because he did not open his PUA Portal and receive the Determination until July 18, 2021 because his daughter who was assisting him with his claim went off-island and that date was the first time that he learned to open his PUA Portal and email.⁴³ Appellant specifically chose email as his preferred method for notification. Appellant could have asked his daughter, other family and friends, the Department, or others for assistance with opening his email and accessing his PUA Portal. In addition, even after receiving and opening the Determination and Notice of Overpayment on July 18, 2021, it took Appellant another three business days to submit his Appeal. Generally, the failure to read and follow instructions is not good cause for an extension. Ultimately, Appellant's Appeal is untimely. Considering that the Appellant's Appeal is untimely, the Department's Determination is final and the latter issues are moot.

VI. DECISION

For the reasons stated above, it is ORDERED that:

1. The CNMI Department of Labor's Disqualifying Determination, dated June 10, 2021, is **AFFIRMED**;
2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of November 10, 2020 to September 4, 2021;
3. The CNMI Department of Labor's Notice of Overpayment, dated June 25, 2021, is **AFFIRMED**;
4. Appellant was overpaid in the total amount of **\$345.00** and is not entitled to a waiver for repayment; and
5. Appellant is **ORDERED** to report to the Department's Benefit Payment Control Unit to discuss options for repayment or offsetting the overpayment, in accordance with the applicable rules.

⁴¹ Exhibit 10.

⁴² See Exhibit 15.

⁴³ See *id.*

If a party is aggrieved by this Order and would like to contest the decision, he or she must submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The written request should be supported by legal, factual, or evidentiary reasons to reopen the decision. The written request must be submitted to the Administrative Hearing Office, either in person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at hearing@dol.gov.mp.

In the event a request to reopen the decision is granted, the matter shall be scheduled for a subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms, filings fees, and filing deadlines for judicial review will be as established by the applicable law and court rule.

So ordered this **8th** day of March, 2022.

/s/

CATHERINE J. CACHERO
Administrative Hearing Officer, *Pro Tem*

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE



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In Re Matter of:)	PUA Case No. 21-0147
)	
Nan Xie,)	
)	
Appellant,)	ADMINISTRATIVE ORDER
)	
v.)	
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	
)	

I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on January 27, 2022 at approximately 9:00 a.m. at the Administrative Hearing Office. Appellant Nan Xie (“Appellant”) was not present and was not represented. Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance program (“Appellee” or “Department”) was present and represented by Labor Certification Worker Dennis Cabrera and PUA Coordinator Maria Annamae Adaza. There were no other witnesses that provided testimony at the hearing. The following documents were admitted as evidence and onto the record:

Exhibits:

1. Exhibit 1: Copy of the Appellant’s Application Snapshot, filed March 5, 2021;
2. Exhibit 2: Copy of Department’s Disqualifying Determination, dated August 2, 2021;
3. Exhibit 3: Copy of BPC Email Communication, dated November 24, 2021, confirming no overpayment;
4. Exhibit 4: Copies of Appellant’s Weekly Certification (manual version) for the week beginning December 27, 2020 and ending January 2, 2021;
5. Exhibit 5: Copies of Appellant’s Weekly Certification (manual version) for the week beginning February 28, 2021 and ending March 6, 2021;

- 1 6. Exhibit 6: Copy of Appellant's Notice of Furlough from Employer Globe Corporation
2 ("Employer"), dated January 20, 2021;
- 3 7. Exhibit 7: Copy of Request for Separation Information, dated March 11, 2021;
- 4 8. Exhibit 8: Copies of Employer's Business Licenses, valid from October 6, 2019 to
5 October 6, 2020.
- 6 9. Exhibit 9: Case Note for contact date July 22, 2021;
- 7 10. Exhibit 10: Copy of Appellant's Flight Itinerary, departing date May 22, 2021;
- 8 11. Exhibit 11: Copies of Appellant's Passport (issued on July 5, 2016) and Social Security
9 card;
- 10 12. Exhibit 12: Copy of Appellant's Request to Appeal Form, including supporting
11 documents, filed via email on August 12, 2021 and received on August 13, 2021;
- 12 13. Exhibit 13: Copy of Notice of Hearing, including Proofs of Service, issued and filed
13 on August 13, 2021;
- 14 14. Exhibit 14: Copy of Department's Motion to Continue Hearing, filed on December 1,
15 2021;
- 16 15. Exhibit 15: Copy of Appellant's Email, filed on December 1, 2021; and
- 17 16. Exhibit 16: Copy of Order Continuing Hearing, including Proofs of Service, issued and
18 filed on December 1, 2021.

19 For the reasons stated below, the Department's Determination dated August 2, 2021 is
20 **AFFIRMED**. Claimant is not eligible for benefits for the period of December 27, 2020 to
21 September 04, 2021.

22 II. JURISDICTION

23 On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of
24 2020 was signed into law creating new temporary federal programs for unemployment benefits
25 called Pandemic Unemployment Assistance ("PUA")¹ and Federal Pandemic Unemployment
Compensation ("FPUC").² On December 27, 2020, the Continued Assistance for Unemployed
Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said
federal unemployment insurance programs, which, among other things, extended the PUA and

¹ See Section 2102 of the CARES Act of 2020, Public Law 116-136.

² See Section 2104 of the CARES Act of 2020, Public Law 116-136.

1 FPUC programs to March 13, 2021.³ On March 11, 2021, the American Rescue Plan Act of 2021
2 (“ARPA”) extended the programs to September 6, 2021. The CNMI Department of Labor is
3 charged with the responsibility in administering the above-mentioned programs in the CNMI in
4 accordance to applicable law.⁴ The CNMI Department of Labor Administrative Hearing Office
5 has been designated to preside over appeals of agency decisions.

6 Upon review of the records, the appeal is timely filed. Accordingly, jurisdiction is established.

7 III. PROCEDURAL BACKGROUND & ISSUES

8 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon
9 review of Appellant’s application and supporting documents, the Department issued a
10 Disqualifying Determination on August 2, 2021. On August 12, 2021, Appellant filed the present
11 appeal via e-mail to the Administrative Hearing Office and the matter was scheduled for a hearing.

12 As stated in the Notice of Hearing, the issues on appeal are: (1) whether the appeal is timely
13 filed; (2) whether Appellant is eligible for PUA; and (3) whether an overpayment occurred and
14 funds should be returned.

15 IV. FINDINGS OF FACT

16 In consideration of the evidence provided and credibility of witness testimony, the
17 undersigned issues the following findings of fact:

- 18 1. On or around March 5, 2021, Appellant submitted an application⁵ for unemployment
19 assistance under the PUA and FPUC programs administered by the Department. In the
20 initial application,⁶ Appellant self-certified under penalty of perjury that:
 - 21 a. He was employed as an Administrative Assistant by Globe Corporation;
 - 22 b. Appellant recently received a notice of termination, layoff or military separation;
 - 23 c. The date of his Layoff, Termination, or Military Separation was January 22, 2021;

24 ³ See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for
25 Unemployed Workers Act of 2020” or “Continued Assistance Act”).

⁴ Pursuant to Section 2102(h) of the CARES Act of 2020 (Pub. L. 116-136) and 20 CFR § 625.2(r)(1)(ii), the CNMI
Governor issued Executive Order No. 2020-09 declaring Hawaii Employment Security Law as the applicable state
law in the CNMI. Hawaii state law applies, to the extent it does not conflict with applicable federal law and guidance.

⁵ Exhibit 1.

⁶ *Id.*

- 1 d. Appellant's employment was directly affected by COVID-19 when his place of
2 employment closed as a direct result of the COVID-19 public health emergency;
3 and
4 e. Appellant's employment was affected since January 22, 2021.
- 5 2. Subsequently, Appellant submitted weekly certifications to claim continued benefits for
6 the following weeks: (a) beginning December 27, 2020 and ending January 2, 2021; and
7 (b) beginning February 28, 2021 to March 6, 2021.⁷ In each of his weekly certifications,
8 Appellant reported and self-certified that:
9 a. His employment was still affected by COVID-19 because his employment is
10 closed as a direct result of the COVID-19 public health emergency; and
11 b. He is unable to work since his workplace is closed as a result of COVID-19.⁸
- 12 3. The answers provided in Appellant's initial application and weekly certifications were
13 submitted under penalty of perjury. It is Appellant's responsibility to provide true,
14 accurate, and complete answers.
- 15 4. The answers provided in the Appellant's initial application and weekly certifications were
16 not entirely accurate or complete. Specifically, Appellant's claimed he was employed by
17 Globe Corporation, but Globe Corporation only had two business licenses as bed and
18 breakfast and tour agency (valid only from October 6, 2019 to October 6, 2020) and Globe
19 Corporation shut down its businesses and operations some time in *February 2020* because
20 its business and operations as bed and breakfast and tour agency were affected by COVID-
21 19 pandemic. Appellant may claim to have performed work as Administrative Assistant
22 from January 11, 2021 to January 22, 2021 for XueJun Xing (also known as Norman
23 Xing), who was the owner of Globe Corporation, but Appellant could not have
24 legitimately worked for Globe Corporation and been laid-off by the company when Globe
25 Corporation closed and shut down its business in February 2020.⁹
5. On August 2, 2021, the Department issued a determination disqualifying Appellant from
 PUA and FPUC benefits from December 27, 2020 to September 4, 2021 because the
 Department found that Appellant was hired on January 11, 2021 and laid off on January

⁷ See Exhibits 4-5.

⁸ See Exhibits 4-5.

⁹ See Exhibits 6-9.

1 22, 2021 at Globe Corporation, but the owner of the company provided a self-employed
2 certification, as he is also a claimant, and in that self-certification, he states that Globe
3 Corporation was shut down by late February 2020, and the Department concludes that
Appellant's employment is not legitimate.¹⁰

4 6. At 7:57 p.m. on August 12, 2021, Appellant filed the present appeal via email.¹¹

5 7. On August 13, 2021, the next business day, the Administrative Hearing Office received
6 Appellant's Request to Appeal and supporting documents and the matter was scheduled
7 for an Administrative Hearing.¹²

8 8. Appellant is appealing the Department's Determination claiming that he worked for Globe
9 Corporation from January 11–22, 2021.¹³

10 9. While this appeal was pending, the Department confirmed with the Benefit Payment
11 Control Unit that there was no overpayment issue in this case because Appellant had not
12 received any unemployment benefits for the period of disqualification being appealed.¹⁴

13 V. CONCLUSIONS OF LAW

14 In consideration of the above-stated findings and applicable law, the undersigned issues the
15 following conclusions of law:

16 1. Appellant's appeal is timely filed.

17 Generally, an appeal should be filed within ten days after the Notice of Determination was
18 issued or served to the claimant. However, the Department may extend the period to thirty days
19 by a showing of good cause.¹⁵ Good cause means: (1) illness or disability; (2) keeping an
20 appointment for a job interview; (3) attending a funeral of a family member; and (4) any other
21 reason which would prevent a reasonable person from complying as directed.¹⁶

22 Here, the Department issued and transmitted the Disqualifying Determination on August 2,
23 2021 via the method that the Appellant selected in his initial application, which is via email. As
24 demonstrated and testified to by the Department and substantiated by the Determination and other
25 filings, Appellant was provided with instructions on how to file his appeal through multiple

22 ¹⁰ Exhibit 2.

23 ¹¹ See Exhibit 12.

24 ¹² See Exhibits 12-13.

25 ¹³ See Exhibit 12.

¹⁴ See Exhibit 3.

¹⁵ HI. Rev. Statute § 383-38(a).

¹⁶ HAR § 12-5-81(j).

1 avenues. Specifically, Appeal instructions could be found in the Appellant's Determination and
2 Request for Appeal Form and in the Benefits Rights Information Handbook. The Determination
3 clearly stated that Appellant has 10 calendar days to file an appeal and that the appeal “**must be**
4 **received or postmarked by 08/12/2021.**” (Emphasis in original).¹⁷ The second page of the
5 Determination goes on with instructions on how to file an Appeal including the methods for
6 submission: (1) email to hearing@dol.gov.mp and (2) by mail to PO Box 10007, Saipan, MP
7 96950.¹⁸ Appellant submitted his Appeal via one of the methods found in the instructions;
8 Appellant emailed his Appeal to hearing@dol.gov.mp on August 12, 2021 at 7:57 p.m.¹⁹

9 Since the Administrative Hearing Office was closed when the Appellant submitted his Appeal
10 via email, the Appeal was not received and stamped until the following business day, August 13,
11 2021. In consideration of the filing instruction allowing filing via email, the Department did not
12 contest the issue of timeliness of the Appeal. Accordingly, the undersigned finds that Appellant
13 acted within the 10-day deadline and Appellant’s Appeal is timely filed.

14 **2. Appellant’s employment was not affected as a direct result of COVID-19.**

15 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and
16 FPUC benefits are available to “covered individuals.” A “covered individual” is someone who:
17 (1) is not eligible for regular compensation or extended benefits under State or Federal law or
18 pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including
19 an individual who has exhausted all rights to regular unemployment or extended benefits under State
20 or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;²⁰ (2) self-
21 certifies²¹ that the individual is unemployed, partially unemployed, or unable or unavailable to work²²
22 as a direct result²³ of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and
23

24 ¹⁷ Exhibit 2.

25 ¹⁸ *See id.*

¹⁹ *See* Exhibit 12.

²⁰ This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal unemployment insurance programs in the CNMI.

²¹ The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

²² A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible for benefits. *See* HAR § 12-5-35.

²³ Pursuant to 20 CFR § 625.5, unemployment is considered a “direct result” of the pandemic where the employment is an immediate result of the COVID-19 public health emergency itself, and not the result of a longer chain of events precipitated or exacerbated by the pandemic.

1 (3) provides required documentation of employment/self-employment within the applicable period of
2 time.²⁴

3 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act
4 specifically identifies the COVID-19 qualifying reasons²⁵ as:

- 5 (aa) The individual has been diagnosed with COVID-19 or is
6 experiencing symptoms of COVID-19 and is seeking a medical
7 diagnosis;
- 8 (bb) A member of the individual's household has been diagnosed with
9 COVID-19;
- 10 (cc) The individual is providing care for a family member or a member
11 of the individual's household who has been diagnosed with
12 COVID-19;
- 13 (dd) A child or other person in the household for which the individual
14 has primary caregiving responsibility is unable to attend school or
15 another facility that is closed as a direct result of the COVID-19
16 public health emergency and such school or facility care is
17 required for the individual to work;
- 18 (ee) The individual is unable to reach the place of employment because
19 of a quarantine imposed as a direct result of the COVID-19 public
20 health emergency;
- 21 (ff) The individual is unable to reach the place of employment because
22 the individual has been advised by a health care provider to
23 quarantine due to concerns related to COVID-19;
- 24 (gg) The individual was scheduled to commence employment and does
25 not have a job or is unable to reach the job as a direct result of the
COVID-19 public health emergency;
- (hh) The individual has become the breadwinner or major support for
a household because the head of the household has died as a direct
result of COVID-19;
- (ii) The individual has to quit his or her job as a direct result of
COVID-19;
- (jj) The individual's place of employment is closed as a direct result
of the COVID-19 public health emergency; or
- (kk) The individual meets any additional criteria established by the US
Secretary of Labor for unemployment assistance under PUA.

²⁴ Section 241 of the Continued Assistance Act requires that an individual must provide documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment, if he or she files a new application for PUA on or after January 31, 2021, or, if the individual applied for PUA before January 31, 2021 and receives PUA benefits on or after December 27, 2020. Failure to supply said documents, and any other relevant, requested documents is a justifiable basis to deny benefits under HAR § 12-5-81(j).

²⁵ These reasons are further defined or illustrated in UIPL 16-20, Change 4.

1 Additional criteria established by the US Secretary of Labor under item (kk)²⁶, above, includes:

- 2 (1) The individual is an independent contractor who is unemployed
3 (total or partial) or is unable or unavailable to work because of the
4 COVID-19 public health emergency has severely limited his or
5 her ability to continue performing the customary job;
6 (2) The individual has been denied continued unemployment benefits
7 because the individual refused to return to work or accept an offer
8 of work at a worksite that, in either instance, is not in compliance
9 with local, state, or national health and safety standards directly
10 related to COVID-19. This includes, but is not limited to, those
11 related to facial mask wearing, physical distancing measures, or
12 the provision of personal protective equipment consistent with
13 public health guidelines;
14 (3) An individual provides services to an educational institution or
15 educational service agency and the individual is unemployed or
16 partially unemployed because of volatility in the work schedule
17 that is directly caused by the COVID-19 public health emergency.
18 This includes, but is not limited to, changes in schedules and
19 partial closures; and
20 (4) An individual is an employee and their hours have been reduced
21 or the individual was laid off as a direct result of the COVID-19
22 public health emergency.

14 Here, Appellant submitted a claim for PUA and FPUC benefits and self-certified, under
15 penalty of perjury, that his employment was affected as a direct result of COVID-19 because his
16 “place of employment is closed as a direct result of the COVID-19 public health emergency.”²⁷
17 Appellant also self-certified that his employment was affected as of January 22, 2021 when he
18 was laid off by Globe Corporation,²⁸ after being employed by Globe Corporation for only 11
19 days, from January 11, 2021 to January 22, 2021.²⁹ However, based on the available evidence
20 and testimony provided, Globe Corporation’s business and operation closed in *February of 2020*
21 due to the impact of COVID-19, which means the closure of Appellant’s place of employment
22 occurred *prior* to Appellant’s claim of unemployment, which he self-certified he was laid off on
23 or about January 22, 2021. The undersigned finds that Appellant’s unemployment cannot logically
24 be affected as a direct result of a COVID-19 reason when Globe Corporation shut down all of its
25

²⁶ See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

²⁷ See Exhibit 1.

²⁸ See *id.*

²⁹ Exhibits 1, 6, 7, 8 and 9.

1 businesses nearly 11 months prior, that is in February 2020. Appellant cannot logically have been
2 hired and employed by Globe Corporation after it had already shut down and closed its operations
3 and businesses due to the impact of COVID-19 in February 2020. Based on applicable law and
4 the evidence provided, Appellant does not meet any of the COVID-19 qualifying reasons.
5 Accordingly, Appellant's employment was not affected as a direct result of COVID-19 and
6 Appellant is not eligible to receive PUA and FPUC benefits.

6 VI. DECISION

7 For the reasons stated above, it is ORDERED that:

- 8 1. The CNMI Department of Labor's Disqualifying Determination, dated August 2, 2021,
9 is **AFFIRMED**; and
- 10 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of December
11 27, 2020 to September 4, 2021.

12 If a party is aggrieved by this Order and would like to contest the decision, he or she must
13 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The
14 written request should be supported by legal, factual, or evidentiary reasons to reopen the
15 decision. The written request must be submitted to the Administrative Hearing Office, either in
16 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at
17 hearing@dol.gov.mp.

18 In the event a request to reopen the decision is granted, the matter shall be scheduled for a
19 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant
20 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI
21 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,
22 filings fees, and filing deadlines for judicial review will be as established by the applicable law
23 and court rule.

24 So ordered this **14th** day of March, 2022.

25 /s/

CATHERINE J. CACHERO
Administrative Hearing Officer, *Pro Tem*

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE**



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In Re Matter of:)	PUA Case No. 21-0161
)	
Kimberly Mae D. Magno,)	
)	
Appellant,)	ADMINISTRATIVE ORDER
)	
v.)	
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	

I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on February 8, 2022 at approximately 9:00 a.m. at the Administrative Hearing Office in Saipan. Appellant Kimberly Mae D. Magno (“Appellant”) was not present and was not represented. Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance program (“Appellee” or “Department”) was present and represented by Labor Certification Worker Dennis Cabrera and PUA Coordinator Donald Camacho. There were no other witnesses that provided testimony at the hearing. The following Exhibits were admitted onto the record:

Exhibits:

1. Exhibit 1: Copy of the Appellant’s Application Snapshot, filed June 19, 2020;
2. Exhibit 2: Copy of Appellant’s Weekly Certifications for the period of July 25, 2021 to July 31, 2021;
3. Exhibit 3: Copy of the Disqualifying Determination, dated September 10, 2021;
4. Exhibit 4: Copies of Northern Mariana Islands Portal - Email Log and Preview Message, dated September 10, 2021;
5. Exhibit 5: Copy of Appellant’s Request to File an Appeal and supporting documents, filed September 17, 2021;
6. Exhibit 6: Copy of the Notice of Hearing, issued September 20, 2021;

- 1 7. Exhibit 7: Copy of Email Communications from Benefit Payment Control Unit, dated
2 January 25, 2022;
- 3 8. Exhibit 8: Copy of Appellant's U.S. Passport, issued on February 25, 2021;
- 4 9. Exhibit 9: Copy of Letter from Employer Bank of Saipan regarding reduced hours
5 effective March 23, 2020;
- 6 10. Exhibit 10: Copy of Letter from Employer Bank of Saipan regarding reduced hours,
7 dated June 3, 2021;
- 8 11. Exhibit 11: Copy of Employer Bank of Saipan's Certification of Employment, dated
9 June 22, 2021;
- 10 12. Exhibit 12: Copy of Appellant's Resignation Letter, dated May 24, 2021;
- 11 13. Exhibit 13: Copy of Department's Case Note, dated February 2, 2022;
- 12 14. Exhibit 14: Copy of Appellant's Self-Certification Letter, dated July 29, 2021;
- 13 15. Exhibit 15: Copy of Appellant's Doctor's Excuse Form for April 5-16, 2021;
- 14 16. Exhibit 16: Copy of Appellant's Pregnancy Certification Letter, dated April 27, 2021;
15 and
- 16 17. Exhibit 17: Copy of Appellant's Record of Contacts Made for Work, dated July 29,
17 2021.

18 For the reasons stated below, the Department's Determination dated September 10, 2021 is
19 **AFFIRMED**. Claimant is not eligible for benefits for the period of June 10, 2021 to
20 July 31, 2021.

21 II. JURISDICTION

22 On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of
23 2020 was signed into law creating new temporary federal programs for unemployment benefits
24 called Pandemic Unemployment Assistance ("PUA")¹ and Federal Pandemic Unemployment
25 Compensation ("FPUC").² On December 27, 2020, the Continued Assistance for Unemployed
Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said
federal unemployment insurance programs, which, among other things, extended the PUA and

¹ See Section 2102 of the CARES Act of 2020, Public Law 116-136.

² See Section 2104 of the CARES Act of 2020, Public Law 116-136.

1 FPUC programs to March 13, 2021.³ On March 11, 2021, the American Rescue Plan Act of 2021
2 (“ARPA”) extended the programs to September 6, 2021. The CNMI Department of Labor is
3 charged with the responsibility in administering the above-mentioned programs in the CNMI in
4 accordance to applicable law.⁴ The CNMI Department of Labor Administrative Hearing Office
5 has been designated to preside over appeals of agency decisions.

6 Upon review of the records, the appeal is timely filed. Accordingly, jurisdiction is established.

7 III. PROCEDURAL BACKGROUND & ISSUES

8 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon
9 review of Appellant’s application and supporting documents, the Department issued a
10 Disqualifying Determination on September 10, 2021. On September 17, 2021, Appellant emailed
11 her Request to Appeal Form to the Administrative Hearing Office after business hours, which
12 was received on September 20, 2021, the next business day. On September 20, 2021, the matter
13 was scheduled for an Administrative Hearing. As stated in the Notice of Hearing, the issues on
14 appeal are: (1) whether Appellant is eligible for PUA; and (2) whether an overpayment occurred
15 and funds should be returned.

14 IV. FINDINGS OF FACT

15 In consideration of the evidence provided and credibility of witness testimony, the
undersigned issues the following findings of fact:

- 16 1. Prior to the COVID-19 pandemic, Appellant was employed as a Bookkeeper at Bank of
17 Saipan (“Employer”), located in Saipan, CNMI. As a Bookkeeper, Appellant was paid
18 \$7.25 per hour and she worked full-time with regular hours of 40 hours a week.
- 19 2. Due to the economic impact of the pandemic, Employer implemented cost-cutting
20 measures and reduced employees’ working hours. Specifically, Appellant’s regular, full-
21 time work hours were reduced from 40 hours a week to 30 hours a week, effective
22 March 23, 2020.⁵

23 ³ See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for
Unemployed Workers Act of 2020” or “Continued Assistance Act”).

24 ⁴ Pursuant to Section 2102(h) of the CARES Act of 2020 (Pub. L. 116-136) and 20 CFR § 625.2(r)(1)(ii), the CNMI
Governor issued Executive Order No. 2020-09 declaring Hawaii Employment Security Law as the applicable state
law in the CNMI. Hawaii state law applies, to the extent it does not conflict with applicable federal law and guidance.

25 ⁵ Exhibits 9-10.

- 1 3. On June 19, 2020, Appellant submitted an application for unemployment assistance under
2 the PUA and FPUC programs administered by the Department.⁶
- 3 4. In her initial application,⁷ Appellant self-certified under penalty of perjury that:
- 4 a. Her employment was affected as a direct result of COVID-19 because of “other”
5 reasons”, which she further explained that she is currently working part-time due
6 to reduced work hours implemented by her Employer as a direct result of COVID-
7 19; and
- 8 b. Her employment was affected since March 23, 2020.⁸
- 9 5. On May 24, 2021, Appellant submitted her resignation to her Employer, effective
10 June 10, 2021.⁹ Appellant resigned due to personal health reasons: She feared contracting
11 COVID-19, but she made a personal choice not to comply with her Employer’s mandate
12 to be vaccinated against COVID-19, which was a condition for continued employment.¹⁰
- 13 6. During the relevant period, Appellant was under medical care for her pregnancy.
- 14 7. In the relevant weekly certification she submitted,¹¹ Appellant self-certified under penalty
15 of perjury that:
- 16 a. From July 25, 2021 to July 31, 2021, she was still unemployed as a direct result of
17 the COVID-19 Public Health Emergency; and
- 18 b. She had to quit her job as a direct result of COVID-19.¹²
- 19 8. On September 10, 2021, the Department issued a determination disqualifying Appellant
20 from PUA and FPUC benefits from June 10, 2021 to July 31, 2021.¹³ There, the
21 Department found that Appellant’s employment was not affected by a COVID-19
22 qualifying reason because Appellant resigned due to personal reasons, mainly that she was
23 pregnant and unwilling to vaccinate as required by her Employer.¹⁴
- 24 9. From approximately June 15, 2021 to July 29, 2021, Appellant looked for other work.¹⁵
- 25

⁶ See Exhibit 1.

⁷ *Id.*

⁸ *Id.*

⁹ See Exhibit 12.

¹⁰ Exhibits 11-14.

¹¹ Exhibit 2.

¹² *Id.*

¹³ See Exhibit 3.

¹⁴ *Id.*

¹⁵ See Exhibit 17.

1 10. On September 20, 2021, Appellant filed the present appeal¹⁶. Appellant is appealing the
2 Department's Disqualifying Determination effective from June 10, 2021 to
3 July 31, 2021.¹⁷

4 11. On September 20, 2021, the matter was scheduled for an Administrative Hearing.¹⁸

5 12. While this appeal was pending, the Department confirmed with the Benefit Payment
6 Control Unit that there was no overpayment issue in this case because Appellant had not
7 received any unemployment benefits for the period of disqualification being appealed.¹⁹

8 V. CONCLUSIONS OF LAW

9 In consideration of the above-stated findings and applicable law, the undersigned
10 issues the following conclusions of law:

11 **1. Appellant's unemployment was not affected as a direct result of COVID-19 during the
12 relevant period of June 10, 2021 to July 31, 2021.**

13 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and
14 FPUC benefits are available to "covered individuals." A "covered individual" is someone who:
15 (1) is not eligible for regular compensation or extended benefits under State or Federal law or
16 pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including
17 an individual who has exhausted all rights to regular unemployment or extended benefits under State
18 or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;²⁰ (2) self-
19 certifies²¹ that the individual is unemployed, partially unemployed, or unable or unavailable to work²²
20 as a direct result²³ of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and
21 (3) provides required documentation of employment/self-employment within the applicable period of
22 time.²⁴

23 ¹⁶ See Exhibit 5.

24 ¹⁷ *Id.*

25 ¹⁸ See Exhibit 6.

¹⁹ Exhibit 7.

²⁰ This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal unemployment insurance programs in the CNMI.

²¹ The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

²² A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible for benefits. See HAR § 12-5-35.

²³ Pursuant to 20 CFR § 625.5, unemployment is considered a "direct result" of the pandemic where the employment is an immediate result of the COVID-19 public health emergency itself, and not the result of a longer chain of events precipitated or exacerbated by the pandemic.

²⁴ Section 241 of the Continued Assistance Act requires that an individual must provide documentation substantiating

1 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act
2 specifically identifies the COVID-19 qualifying reasons²⁵ as:

- 3 (aa) The individual has been diagnosed with COVID-19 or is
4 experiencing symptoms of COVID-19 and is seeking a medical
5 diagnosis;
- 6 (bb) A member of the individual's household has been diagnosed with
7 COVID-19;
- 8 (cc) The individual is providing care for a family member or a member
9 of the individual's household who has been diagnosed with
10 COVID-19;
- 11 (dd) A child or other person in the household for which the individual
12 has primary caregiving responsibility is unable to attend school or
13 another facility that is closed as a direct result of the COVID-19
14 public health emergency and such school or facility care is
15 required for the individual to work;
- 16 (ee) The individual is unable to reach the place of employment because
17 of a quarantine imposed as a direct result of the COVID-19 public
18 health emergency;
- 19 (ff) The individual is unable to reach the place of employment because
20 the individual has been advised by a health care provider to
21 quarantine due to concerns related to COVID-19;
- 22 (gg) The individual was scheduled to commence employment and does
23 not have a job or is unable to reach the job as a direct result of the
24 COVID-19 public health emergency;
- 25 (hh) The individual has become the breadwinner or major support for
a household because the head of the household has died as a direct
result of COVID-19;
- (ii) The individual has to quit his or her job as a direct result of
COVID-19;
- (jj) The individual's place of employment is closed as a direct result
of the COVID-19 public health emergency; or
- (kk) The individual meets any additional criteria established by the US
Secretary of Labor for unemployment assistance under PUA.

Additional criteria established by the US Secretary of Labor under item (kk)²⁶, above, includes:

- (1) The individual is an independent contractor who is unemployed
(total or partial) or is unable or unavailable to work because of the

employment or self-employment, or the planned commencement of employment or self-employment, if he or she
files a new application for PUA on or after January 31, 2021, or, if the individual applied for PUA before January
31, 2021 and receives PUA benefits on or after December 27, 2020. Failure to supply said documents, and any other
relevant, requested documents is a justifiable basis to deny benefits under HAR § 12-5-81(j).

²⁵ These reasons are further defined or illustrated in UIPL 16-20, Change 4.

²⁶ See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

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- COVID-19 public health emergency has severely limited his or her ability to continue performing the customary job;
- (2) The individual has been denied continued unemployment benefits because the individual refused to return to work or accept an offer of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or the provision of personal protective equipment consistent with public health guidelines;
 - (3) An individual provides services to an educational institution or educational service agency and the individual is unemployed or partially unemployed because of volatility in the work schedule that is directly caused by the COVID-19 public health emergency. This includes, but is not limited to, changes in schedules and partial closures; and
 - (4) An individual is an employee and their hours have been reduced or the individual was laid off as a direct result of the COVID-19 public health emergency.

Here, on June 19, 2020, Appellant submitted a claim for PUA and FPUC benefits self-certifying, under penalty of perjury, that her employment was affected as a direct result of COVID-19 because of other reasons not listed, explaining that she currently worked part-time due to the reduced working hours implemented as a direct result of COVID-19 pandemic, effective March 23, 2020. Based on the evidence provided, Appellant's employment was affected as a direct result of COVID-19. Specifically, Appellant's hours were reduced by her Employer from full-time hours of 40 hours a week to part-time hours of 30 hours a week, effective March 23, 2020.²⁷

Subsequently, Appellant resigned from Employer, effective June 10, 2021. For the week beginning July 25, 2021 to July 31, 2021, Appellant submitted a weekly certification claiming that she had to quit her job as a direct result of COVID-19. Upon review of Appellant's claims and supporting documents, the Department issued a Disqualifying Determination finding that Appellant was not eligible for benefits from June 10, 2021 to July 31, 2021. Appellant is appealing this Determination.

²⁷ Exhibits 9-10.

1 Based on applicable law and evidence provided, Appellant does not meet any of the COVID-
2 19 qualifying reasons for the relevant period that she was denied benefits—June 10, 2021 to
3 July 31, 2021. First, Appellant’s resignation was not due to any of the above-listed COVID-19
4 qualifying reasons. Instead, Appellant resigned because Appellant’s Employer required COVID-
5 19 vaccinations for continued employment and Appellant declined to comply and be vaccinated
6 due to her pregnancy and personal health concerns, as shown and stated in her Self-Certification²⁸
7 and Letter of Resignation.²⁹ Second, while the undersigned recognizes that Appellant’s decision
8 to refuse compliance with her Employer’s vaccination requirement was due to her concerns
9 regarding vaccination, the medical records and doctor’s notes that Appellant submitted to the
10 Department to substantiate her claim did not include any advice by any health care provider for
11 Appellant to not vaccinate due to any medical condition, including her pregnancy. Third, none of
12 the documentation that Appellant submitted to the Department contained any advice by her health
13 care provider to quarantine, self-isolate or take extra precautions against COVID-19 because her
14 pregnancy made her particularly susceptible or vulnerable to COVID-19. In fact, Appellant’s
15 doctor’s excuse form dated around April 16, 2021 stated that Appellant may return to work
16 without limitations. Accordingly, Appellant’s unemployment was not affected as a direct result
17 of COVID-19 during the relevant period from June 10, 2021 to July 31, 2021 and Appellant is
18 not eligible to receive PUA or FPUC benefits during this period.

16 VI. DECISION

17 For the reasons stated above, it is ORDERED that:

- 18 1. The CNMI Department of Labor’s Disqualifying Determination, dated
19 September 10, 2021, is **AFFIRMED**; and
- 20 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of
21 June 10, 2021 to July 31, 2021;

22 If a party is aggrieved by this Order and would like to contest the decision, he or she must
23 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The
24 written request should be supported by legal, factual, or evidentiary reasons to reopen the

25 ²⁸ Exhibit 5.

²⁹ Exhibit 4.

1 decision. The written request must be submitted to the Administrative Hearing Office, either in
2 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at
3 hearing@dol.gov.mp.

4 In the event a request to reopen the decision is granted, the matter shall be scheduled for a
5 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant
6 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI
7 Superior Court under the local Administrative Procedures Act. See 1 CMC § 9112. All forms,
8 filings fees, and filing deadlines for judicial review will be as established by the applicable law
9 and court rule.

10 So ordered this 3rd day of March, 2022.

11 /s/
12 **CATHERINE J. CACHERO**
13 Administrative Hearing Officer, *Pro Tem*
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1 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 2 DEPARTMENT OF LABOR
 3 ADMINISTRATIVE HEARING OFFICE

3 In Re Matter of:) PUA Case No. 21-0167
 4 Joel M. Salvosa,)
 5 Appellant,)
 6 v.) ADMINISTRATIVE ORDER
 7 CNMI Department of Labor,)
 8 Division of Employment Services-PUA,)
 9 Appellee.)

10 Pursuant to Appellant’s Request to Appeal the Department’s Determination denying Pandemic
 11 Unemployment Assistance benefits dated September 27, 2021, this matter was scheduled for a hearing
 12 on March 1, 2022 at 9:00 a.m. On February 22, 2022, Appellant filed a written request to withdraw
 13 his appeal because the Department reversed its Determination and Appellant is now eligible to receive
 14 benefits. Subsequently, on February 23, 2022, the Department filed a Motion to Dismiss the Appeal,
 15 explaining that the Department reversed the Disqualifying Determination and issued to the Appellant
 16 a Requalifying Determination on February 18, 2022. The Department also explained that no
 17 overpayment has occurred.

18 In consideration of the above, the undersigned finds that there are no issues on appeal.
 19 Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing that is scheduled for
 20 March 1, 2022 at 9:00 a.m. is hereby **VACATED**. In the event that the Appellant disagrees with a
 21 subsequent determination or notice, Appellant may file a new appeal.

22 So ordered this 23rd day of February, 2022.

23 /s/
 24 **Catherine J. Cachero**
 25 *Pro Tem* Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

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In Re Matter of:)	PUA Case No. 21-0179
)	
Malou Seman,)	
)	
Appellant,)	ADMINISTRATIVE ORDER
)	GRANTING PARTIES'
v.)	REQUEST FOR DISMISSAL
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	
)	

Pursuant to Appellant's Request to Appeal, the matter was scheduled for an Administrative Hearing on April 21, 2022 at 9:00 a.m. On February 15, 2022, Appellant filed a written request to withdraw the appeal after resolving the alleged issues with the Department. On March 15, 2022, the Department filed a Motion to Dismiss confirming that they reversed their initial determination and requalified Appellant during the relevant time period.

In consideration of above, the undersigned finds that there are no issues on appeal and dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for April 21, 2022 at 9:00 a.m. is **VACATED**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this 15th day of March, 2022.

/s/
JACQUELINE A. NICOLAS
Administrative Hearing Officer

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE



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In Re Matter of:)	PUA Case No. 22-0187
)	
Josephine Baltazar,)	
)	
Appellant,)	ADMINISTRATIVE ORDER
)	GRANTING PARTIES'
v.)	REQUEST FOR DISMISSAL
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	

Pursuant to Appellant’s Request to Appeal, the matter was scheduled for an Administrative Hearing on May 12, 2022 at 9:00 a.m. On March 17, 2022, the Department filed a Motion to Dismiss the above-captioned case. Therein, the Department stated that they reversed their initial determination and requalified Appellant during the relevant time period. Appellant does not contest dismissal.

In consideration of above, the undersigned finds that there are no issues on appeal and dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for May 12, 2022 at 9:00 a.m. is **VACATED**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **17th** day of March, 2022.

/s/
JACQUELINE A. NICOLAS
Administrative Hearing Officer

1 Respondent admits that the company's Total Workforce Listing for the second and third quarter
2 were untimely submitted on January 3, 2022. Respondent further admits that the company's Total
3 Workforce Listing for the fourth quarter was untimely submitted on February 16, 2022.
4 Considering Respondent's knowledge of the applicable regulations and repeated failure to
5 comply, the undersigned finds that Respondent violated the terms of the above-mentioned
6 suspended sanction and reinstatement is warranted.

7 Respondent is **ORDERED** to pay \$300 of the suspended sanction on or before **March-16,**
8 **2022**, close of business. If Respondent fails to comply with the terms of this Order, Respondent
9 shall be subject to a reinstatement of all or part of the remaining suspended sanction. Enforcement
10 is **ORDERED** to continue monitoring Respondent for any additional violations and compliance
11 issues.

12 So ordered this **2nd** day of March, 2022.

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14 /s/
JACQUELINE A. NICOLAS
15 Administrative Hearing Officer
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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

IN THE MATTER OF:

CNMI Department of Labor Enforcement
Section

Complainant,

v.

Prophet Manpower Services.

Respondent.

Compliance Agency Case No. 21-003-04

**ORDER REINSTATING SUSPENDED
SANCTION**

This matter came for an Administrative Hearing on March 2, 2022 at 9:00 am. Due to the ongoing COVID-19 public health emergency and in consultation with the parties, the hearing was held online via Zoom. The Department’s Enforcement Section (“Enforcement” –or “Complainant”) was present and represented by Arlene Rafanan, Labor Law Enforcement Specialist III. Respondent Prophet Manpower Services (“Respondent”) failed to appear.¹

On May 19, 2021, judgment was entered against Respondent for multiple and repeated failures to submit documents in accordance with 3 CMC § 4947. In accordance with 3 CMC § 4528 and NMIAC § 80-20.1-485(c), the undersigned may sanction employer up to \$2,000 *for each* violation in this case. Here, Respondent was sanctioned a total of \$3,000, all suspended but \$1,000 to be due on or before June 19, 2021. As a term of their suspended sanction, Respondent was required to timely pay and commit no further CNMI labor law violations. The Administrative Order further provides: “[i]f Respondent fails to comply with the terms of this Order, Respondent shall be subject to a reinstatement of all or part of the suspended sanction.”

On July 13, 2021, the undersigned reinstated \$500 for Respondent’s failure to timely pay. Now, Enforcement seeks an additional \$500 for Respondent repeated failure to comply with

¹ Upon review, Respondent had adequate notice and service was proper. Moreover, Respondent failed to advise the Administrative Hearing Office of any conflicts or inability to appear. Accordingly, the undersigned finds a lack of good cause for Respondent’s failure to appear.

1 CNMI labor laws and regulations. Specifically, Enforcement alleges that Respondent failed to
2 submit quarterly compliance documents for the second, third, and fourth quarter of 2021.²
3 Considering Respondent's knowledge of the applicable regulations and repeated failure to
4 comply, the undersigned finds that Respondent violated the terms of the above-mentioned
5 suspended sanction and reinstatement is warranted.

6 Respondent is **ORDERED** to pay \$500 of the suspended sanction on or before **March 31**
7 **2022**, close of business. If Respondent fails to comply with the terms of this Order, Respondent
8 shall be subject to a reinstatement of all or part of the remaining suspended sanction. Enforcement
9 is **ORDERED** to continue monitoring Respondent for any additional violations and
10 noncompliance.

11 So ordered this **2nd** day of March, 2022.

12
13 /s/
JACQUELINE A. NICOLAS
14 Administrative Hearing Officer
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28 ² Respondent's failure to appear at the hearing "constitute[s] a waiver of any right to pursue or contest the allegations."
NMIAC § 80-20.1-480(l).



1 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 2 DEPARTMENT OF LABOR
 3 ADMINISTRATIVE HEARING OFFICE

4 In Re Matter of:) Enforcement Investigation No. 22-004-01
 5) Compliance Agency Case No. 22-005
 6 Department of Labor, Enforcement and)
 7 Compliance,)
 8)
 9 Complainant,) ORDER GRANTING ENFORCEMENT'S
 10) REQUEST FOR DISMISSAL
 11 v.)
 12 Cheng Chang Corporation)
 13 dba Yonghao Market,)
 14)
 15 Respondent.)

12 On January 28, 2022, Enforcement filed a Notice of Violation against Respondent for failure to
 13 submit quarterly compliance documents in violation of NMIAC § 80-20.1-505 and NMIAC § 80-
 14 20.1-510. On March 1, 2022, the undersigned issued an Order to Show Cause as to why the above-
 15 captioned case should not be dismissed for several procedural and substantive deficiencies such as,
 16 failure to issue a notice of warning and provide sufficient allegations. On March 16, 2022,
 17 Enforcement filed a Request for Dismissal stating that Respondent has submitted the relevant
 18 quarterly compliance documents. Considering that the alleged violations have been cured, dismissal
 19 is appropriate.

20 Accordingly, the above-captioned case is hereby **DISMISSED** and the Order to Show Cause
 21 deadline is **VACATED**.

22 So ordered this **17th** day of March, 2022.

23 /s/
 24 JACQUELINE A. NICOLAS
 25 Administrative Hearing Officer

