

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



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**COMMONWEALTH REGISTER**

**VOLUME 46  
NUMBER 08  
August 15, 2024**

**COMMONWEALTH REGISTER**  
**VOLUME 46**  
**NUMBER 08**  
**AUGUST 15, 2024**

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Public Notice of Certification and Adoption of Amendments  
To the Administrative Hearing Procedure Rules & Regulations  
**Department of Public Lands**..... **051209**

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Public Notice of Proposed Amendments to the  
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Commonwealth of the Northern Mariana Islands  
Office of the Governor  
**DEPARTMENT OF PUBLIC LANDS**



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF  
THE DEPARTMENT OF PUBLIC LANDS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS  
Volume 46, Number 07, pp. 051147-051153, of July 15, 2024

**AMENDMENTS TO THE PUBLIC PURPOSE LAND EXCHANGE  
RULES AND REGULATIONS**

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Department of Public Lands (DPL) HEREBY ADOPTS AS PERMANENT amendments to the DPL Public Purpose Land Exchange Rules and Regulations, which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9101 et seq. These amendments allow private land that has an area of less than 700 square meters to be acquired through a land exchange, provided that the value of the private land is \$5,000 or greater.

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 46, Number 07, pp. 051147-051153 of the Commonwealth Register dated July 15, 2024.

**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 DPL pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

**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. DPL 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.

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](https://www.facebook.com/DplCnmi)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

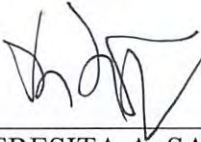
THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
LABORATORY OF ORGANIC CHEMISTRY



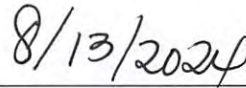
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:

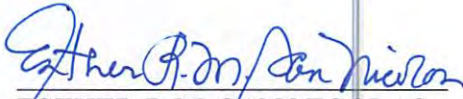


TERESITA A. SANTOS  
Secretary, DPL

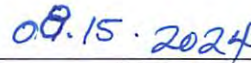


Date

Filed and recorded by:



ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar



Date

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2023-2024

Year 1

Mathematics



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
**DEPARTMENT OF PUBLIC LANDS**



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF  
THE DEPARTMENT OF PUBLIC LANDS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS  
Volume 46, Number 06, pp. 051109-051123, of June 15, 2024

**AMENDMENTS TO THE ADMINISTRATIVE HEARING PROCEDURE  
RULES AND REGULATIONS**

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Department of Public Lands (DPL) HEREBY ADOPTS AS PERMANENT amendments to the DPL Administrative Hearing Procedure Rules and Regulations, which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9101 et seq. These amendments state the authority of DPL; update the definitions and terms used throughout to those used in PL 15-2; and establish that the hearing officer decision is the final agency action of DPL.

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 46, Number 06, pp. 051109-051123 of the Commonwealth Register dated June 15, 2024.

**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).

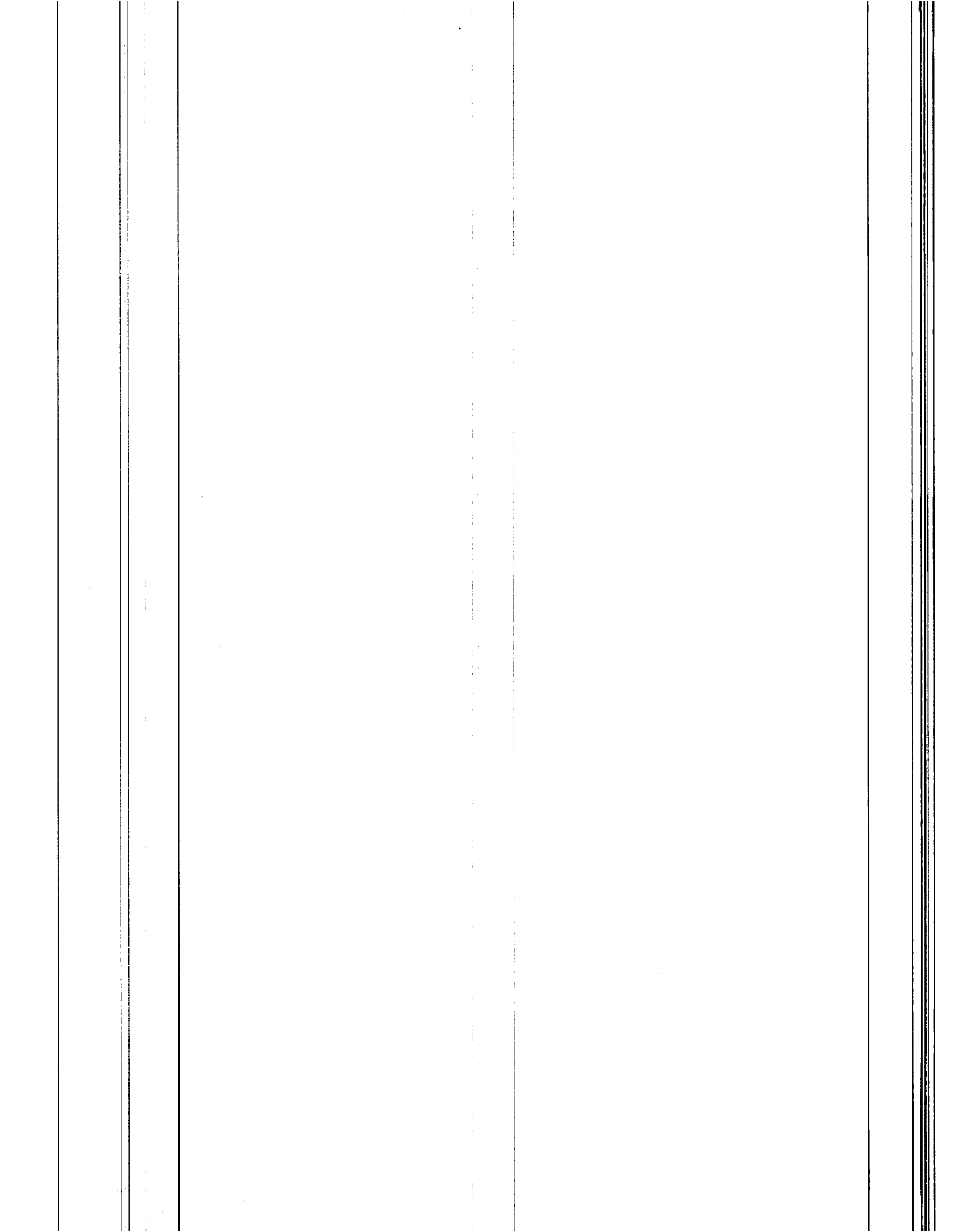
**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None.

**AUTHORITY:** These amendments are promulgated under the authority of DPL pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

**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.

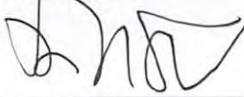
**COMMENTS AND AGENCY CONCISE STATEMENT:** No written comments regarding the proposed regulations were submitted during the 30-day comment period. DPL will, if requested to do so by any interested person within 30 days of this adoption of the amendments, issue a concise statement of the principal reasons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

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](https://www.facebook.com/DplCnmi)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

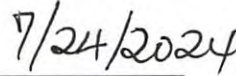


I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:

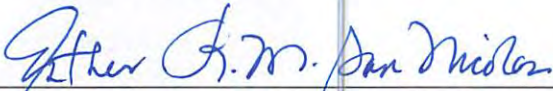


Teresita A. Santos  
Secretary, Department of Public Lands

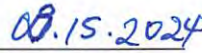


Date

Filed and recorded by:



Ms. Esther R.M. San Nicolas  
Commonwealth Registrar



Date

OFFICE OF THE  
ATTORNEY GENERAL  
CIVIL DIVISION

2024 JUL 25 AM 10:48

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Commonwealth of the Northern Mariana Islands  
Office of the Governor  
**DEPARTMENT OF PUBLIC LANDS**



**PUBLIC NOTICE OF PROPOSED AMENDMENTS  
TO THE TEMPORARY OCCUPANCY RULES AND REGULATIONS**

**NOTICE OF INTENDED ACTION:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Department of Public Lands (DPL) intends to amend the Temporary Occupancy Rules and Regulations pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a), to allow assignment of leases closer to lease execution and expiration.

**AUTHORITY:** These amendments are promulgated under the authority of the Department of Public Lands pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

**TERMS AND SUBSTANCE:** DPL's Temporary Occupancy Rules and Regulations currently prohibit assignment of leases less than five years from date of execution and within five years from date of expiration. The purpose of this regulation is to prevent speculative practices and to maintain long-term investments in public lands. However, these purposes can still be achieved by prohibiting assignment of leases within two years of lease execution or expiration. In addition, assignment may be necessary to avoid cancellation or termination of public land leases in hard economic times. Revising the regulation will continue to prohibit assignment of leases less than two years from date of execution or within two years from date of expiration but allow assignment at other times in the lease term.

**CITATION OF AFFECTED REGULATIONS:** The proposed amendment will revise existing regulatory language in the following regulation:

NMIAC § 145-70-110            Lease Agreement Requirements

**DIRECTIONS FOR FILING AND PUBLICATION:** The proposed amendment 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 Teresita A. Santos, Department of Public Lands Secretary, to the following address, fax, or email address, with the subject line "Proposed Amendments to the Temporary Occupancy Rules and Regulations":

DEPARTMENT OF PUBLIC LANDS  
PO Box 500380, Saipan, MP 96950  
Fax: (670) 234-3755  
Email: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp)

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](http://www.facebook.com/DplCnmi)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
RESEARCH REPORT

REPORT NO. 1000  
BY J. H. GOLDSTEIN AND R. L. SEXTON

Submitted in partial fulfillment of the requirements for the Ph.D. degree  
by J. H. GOLDSTEIN  
Department of Chemistry  
The University of Chicago  
Chicago, Illinois

Approved by the Department of Chemistry  
The University of Chicago  
Chicago, Illinois

Approved by the Graduate School  
The University of Chicago  
Chicago, Illinois


Approved by the Faculty of the Division of Physical Sciences  
The University of Chicago  
Chicago, Illinois

Approved by the Faculty of the Division of Chemical Sciences  
The University of Chicago  
Chicago, Illinois


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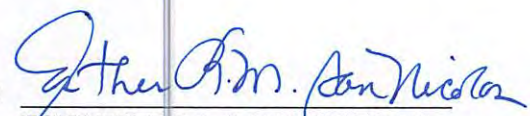
Comments are due within thirty (30) calendar days from the date of publication of this notice. 1 CMC § 9104(a)(2).

Submitted by:   
TERESITA A. SANTOS  
Secretary, DPL

7/18/2024  
Date


Received by:   
OSCAR M. BABAUTA  
Special Assistant for Administration

7/19/24  
Date

Filed and Recorded by:   
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

08.15.2024  
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), the proposed Amendments to the Administrative Hearing Procedure Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, pursuant to 1 CMC § 2153(f).

  
EDWARD MANIBUSAN  
Attorney General

7/22/2024  
Date

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](https://www.facebook.com/DplCnmi)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

1/10/2011

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1/10/2011

1/10/2011

1/10/2011

1/10/2011

## Part 100 – Lease Policies

### § 145-70-110 Lease Agreement Requirements

DPL shall include in lease agreements provisions typical of commercial practices. All public land leases are on a “triple net” basis “as is where is”. All leases shall conform to the following provisions:

\* \* \*

- (i) Assignment and Subleases – Leases shall not be assigned or subleased in part or in whole without the prior written consent of the DPL.
  - (1) Proposed assignees and sublessees shall be subject to the same eligibility requirements, qualifying factors, and level of scrutiny as lessees.
  - (2) Leases of less than ~~two~~five years from the date of execution or within ~~two~~five years from the date of expiration shall not be assignable.
  - (3) In no instance shall the deposits of applicant or lessee be refunded until assignee or subtenant deposits equal or greater amounts with DPL.
  - (4) Lessee and assignee or subtenant shall provide DPL a complete and accurate copy of their proposed assignment agreement and/or sublease showing the total consideration given for or in connection with the assignment or subleasing transaction.
  - (5) DPL shall charge a fee of 25% of the value of the monthly/annual sublease fee or assignment fee, if any.

Year	Month	Day	Event	Location	Notes
1912	Jan	1	...	...	...
1912	Jan	2	...	...	...
1912	Jan	3	...	...	...
1912	Jan	4	...	...	...
1912	Jan	5	...	...	...
1912	Jan	6	...	...	...
1912	Jan	7	...	...	...
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1912	Jan	9	...	...	...
1912	Jan	10	...	...	...
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1912	Jan	13	...	...	...
1912	Jan	14	...	...	...
1912	Jan	15	...	...	...
1912	Jan	16	...	...	...
1912	Jan	17	...	...	...
1912	Jan	18	...	...	...
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1912	Jan	20	...	...	...
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1912	Jan	24	...	...	...
1912	Jan	25	...	...	...
1912	Jan	26	...	...	...
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1912	Jan	28	...	...	...
1912	Jan	29	...	...	...
1912	Jan	30	...	...	...
1912	Jan	31	...	...	...



Commonwealth gi Sangkattan na Islas Mariãnas  
Ufisinan Gubietnu  
**DIPÀTTAMENTUN TANU' PUPBLIKU**



**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI AREKLAMENTU YAN REGULASIÒN "TEMPORARY OCCUPANCY"**

**NUTISIAN I AKSIÓN NI MA'INTENSIONA:** I Dipàttamentun Tanu' Pupbliku gi pãpa' i Ufisinan Gubietnu giya Commonwealth gi Sangkattan na Islas Mariãnas ha intensiona para u amenda i Areklamentu yan Regulasiòn "Temporary Occupancy" sigun gi maneran i Àkton Administrative Procedure (APA), 1 CMC § 9104(a), para u sedi i manma'asikna na atkilon siha ni hihut gi makatgãña huyung yan i mahuchomña.

**ÀTURIDÁT:** Esti na amenda siha manmacho'gui gi pãpa' i àturidát i Dipàttamentun Tanu' Pupbliku sigun gi 1 CMC § 2806 para u dibelop areklamentu "administrative", minanera, yan gubietna i asuntu i para tanu' pupbliku.

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I Areklamentu yan Regulasiòn "Temporary Occupancy" i DPL gi presentu ha pruhibi i asikna i manmenus ki singku años na tiempun atkilu siha ginen i fetchan i makatgãña huyung yan gi halum singku años ginen i fetchan nu i mahuchomña. I rason esti na regulasiòn sa' para u pruhibi i praktikan atotgãyi siha yan para u mantieni i anãkku'-tema na "investment" gi halum tanu' pupbliku. Lão, esti na rason siha siña disdi pã'gu ma'akumpli' ginen i prinihibin asikna nu atkilu gi halum dos años nu i makatgãña huyung yan i mahuchomña i atkilu. Yan mäs, i asikna siña nisissãriu para u suhãyi kansela pat tetminasiòn nu atkilon tanu' pupbliku siha gi minakkat ikonomia na tiempu siha. I regulasiòn ni maribibisa siempri kumuntuha para u pruhibi asikna nu atkilu ni manmenus ki dos años ginen i fetchan nu makatgãña huyung pat gi halum dos años ginen i fetchan nu i mahuchomña lão sedi asikna gi ottru na tiempu gi halum teman i atkilon.

**SITASIÒN NU I MANINAFEKTA NA REGULASIÒN SIHA:** I manmapropo ni na amenda siha siempri ha ribisa i maneksisti na lingguãhi regulatori gi halum i sigienti na regulasiòn:

NMIAC § 145-70-110                      Ginagãogão i Kuntrãtan Atkilon

**DIREKSIÒN PARA I PINE'LU YAN I PUPBLIKASIÒN:** I manmapropo ni na amenda debi di u mapupblika gi halum i Rehistran Commonwealth gi halum seksion ni manmapropo ni yan mannuebu ma'adãpta na regulasiòn siha (1 CMC § 9201(a)(1)) ya u mapega gi halum kumbinienti na lugãt siha giya i civic center yan gi halum ufisinan gubietnu gi kada distritun senatorial, parehu Inglis yan i dos na lingguãhi natibu (1 CMC § 9104(a)(1)).

**UPIÑON SIHA:** I manintiresão na pattida siña ma'intrega hãlum i tinigi' upiñon siha gi manmapropo ni na amenda siha guatu gi as Teresita A. Santos, i Sekritãrian i Dipàttamentun Tanu' Pupbliku, gi sigienti siha na address, fax, osino email address, yan i suhetu na rason "Manmapropo ni na Amenda gi Areklamentu yan Regulasiòn i "Temporary Occupancy".

P.O. Box 500380, Saipan, MP 96950 • 2<sup>nd</sup> Floor, Joeten Dandan Commercial Building  
Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](https://www.facebook.com/DplCnmi)  
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT NO. 1000  
BY [Name]

Submitted in partial fulfillment of the requirements for the Ph.D. degree  
by [Name]

Department of Chemistry  
The University of Chicago  
Chicago, Illinois

ABSTRACT  
[Detailed abstract text describing the research findings and conclusions]

INTRODUCTION  
[Introduction text providing context for the study]


EXPERIMENTAL  
[Experimental methods and procedures]

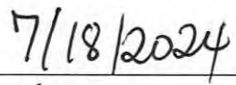
RESULTS AND DISCUSSION  
[Results and discussion of the findings]


CONCLUSIONS  
[Concluding remarks and future work]

DEPARTMENT OF PUBLIC LANDS  
PO Box 500380, Saipan, MP 96950  
Fax: (670) 234-3755  
Email: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp)

I upiñon siha debi di u manahålum gi halum trenta dihas (30) i kalendâriu ginen i fetchan pupblikasiòn esti na nutisia. 1 CMC § 9104(a)(2).

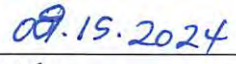
Nina'hålum as:   
TERESITA A. SANTOS  
Sekritària, DPL

  
Fetcha


Rinisibi as:   
OSCAR M. BABAUTA  
Ispisiât na Ayudânti para Atministrasiòn

  
Fetcha

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

  
Fetcha

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na amenda siha para i Areklamentu yan Regulasiòn i "Administrative Hearing Procedure" ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginen i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f).

  
EDWARD MANIBUSAN  
Abugâdu Henerât

  
Fetcha

1/10/20

1/11/20

1/12/20

1/13/20

*[Handwritten scribble]*



Commonwealth Téel Falúw kka Efáng llól Marianas  
Bwulasiyol Soulemelem  
BWULASIYOL AMMWELIL FALUWEER TOULAP



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL  
NGÁLI ALLÉGH ME MWÓGHUTUGHUTÚL “TEMPORARY OCCUPANCY”**

**ARONGORONG REEL MÁNGEMÁNGIL MWÓGHUT:** Commonwealth Téel Falúw kka Efáng llól Marianas, Bwulasiyol Soulemelem, Bwulasiyol Ammwelil Faluweer Toulap (DPL) re mángemángil rebwe liiweli Alléghúl me Mwóghutughutúl “Temporary Occupancy” sáangi mwóghutughutúl Administrative Procedure Act (APA), 1 CMC § 9104(a), ebwe lighiti ammwelil “execution” me “expiration” reel falúw ikka ra atkkilaay.

**BWÁNGIL:** Ebwe arongowow liiwel kkaal faal bwángil Bwulasiyol Ammwelil Faluweer Toulap sáangi 1 CMC § 2806 reel ebwe ayoora allégh, mwóghutughut, me lemelem ikka e súllúngáli faluweer toulap.

**KKAPASAL ME AWEEWEEL:** Mille aar DPL bwe Alléghúl me Mwóghutughutúl “Temporary Occupancy” ebwe yúghúl atkkilóón ikka e lo bwe aa limoow ráágh sáangi ráálil “execution” me e lo llól limoow ráághil “expiration”. Bwulul mwóghutughut yeel nge ebwe ffat mwóghutughut me lemelemil faluweer toulap ikka e lo bwe “long-term investments”. E mal mmwel ebwe ghatch fáráághil mille “assignment of leases” llól ruwoww ráághil igha ebwe mwutch ngare “expiration”. Ebwal schuu, emmwel bwe “assignment” ebwe yúghúl ngare “termination” reel faluweer toulap ngare aa totto bwe “hard economic times”. Fféérúl sefáálil mwóghutughut emmwel ebwe yúghúl “assignment” reel atkkilóónol falúw ngare eghus sáangi ruwoow ráágh mwiril ráálil “execution” ngare ruwoow ráágh sáangi “expiration” nge e mal mmwel “assignment” ebwe tééló mmwal llól kkapasal atkkilóón ngare “lease term”.

**ABWETCH REEL IKKA E SCHUU ME/ANNGAWA MWÓGHUTUGHUT:** Ppwommwol liiwel ebwe siiweli kkapasal mwóghutughut ikka e amwirimwiritiw:

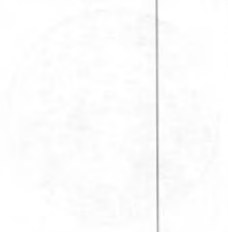
NMIAC § 145-70-110      Lease Agreement Requirements

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow ppwommwol liiwel kkaal me llól Commonwealth Register llól táлил ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9201(a)(1)) me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch (1 CMC § 9104(a)(1)).

**KKAPAS:** Schóó kka re tipáli rebwe isiisilong ischil kkapas wóól ppwommwol liiwel kkaal rebwe isiis ngáli Teresita A. Santos, Bwulasiyol Ammwelil Faluweer Toulap, reel félfél iye e amwirimwiritiw, fax, ngare email address, fengál wóól subject line bwe “Proposed Amendments to the Temporary Occupancy Rules and Regulations”:

DEPARTMENT OF PUBLIC LANDS  
PO Box 500380, Saipan, MP 96950  
Fax: (670) 234-3755  
Email: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp)

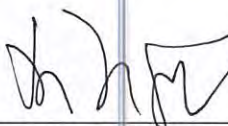
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Website: [www.dpl.gov.mp](http://www.dpl.gov.mp) • E-mail: [dpl@dpl.gov.mp](mailto:dpl@dpl.gov.mp) • Facebook: [www.facebook.com/DplCnmi](http://www.facebook.com/DplCnmi)  
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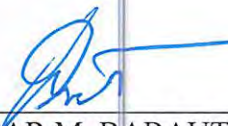
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TEL: 773-936-3200  
WWW.CHICAGO.LIBRARY.EDU

Ebwe toolong ischil kkapas llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. 1 CMC § 9104(a) (2).

Isáliyalong:   
TERESITA A. SANTOS  
Sekretóoriya, DPL

7/18/2024  
Ráál


Bwughiyal:   
OSCAR M. BABAUTA  
Special Assistant ngáli Administration

7/19/24  
Ráál

Ammwelil:   
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

08.15.2024  
Ráál

Sángi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3), ppwommwol Liiwel ngáli Alléghúl me Mwóghutughutúl Administrative Hearing iye e appasch bwe ra takkal amwuri fischiiy bwe aa ffil reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalalap CNMI me ebwe akkatééwow, sáangi 1 CMC § 2153(f).

  
EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap

7/22/2024  
Ráál

4505/8/17

1/1/2017

2017/01/01

2017/01/01

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# 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](mailto:cpa.admin@pticom.com)

Website: <https://cnmports.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 AIRPORT 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 NMIAC § 40-10.1-1206 by exempting aircraft operators which have a valid written agreement with the Authority, which provides for terminal rental rates, rent for preferential use premises, common use charges, and turn fees from the rate methodology of NMIAC § 40-10.1-1206.

**AUTHORITY:** The substance of the following proposed amendments was approved by the CPA Board of Directors on June 20, 2024 through CPA Resolution No. 2024-04. 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. Leo Tudela, Executive Director, CPA, by means of one of the following: Email, fax, mail, or hand-delivery to the CPA Administration 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.**"

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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:  \_\_\_\_\_  
LEO B. TUDELA  
Executive Director, CPA  
Date 7-16-24

Received by:  \_\_\_\_\_  
OSCAR M. BABAUTA  
Special Assistant for Administration  
Date 7/24/24

Filed and Recorded by:  \_\_\_\_\_  
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar  
Date 08.15.2024

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 pursuant to 1 CMC § 2153(f).

 \_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General  
Date 7/24/2024

**Part 1200 – Schedule of Fees and Charges**  
**§ 40-10.1-1206 Terminal Rentals**

(e) Exemptions. Exempted from paying terminal rental rates, rent for preferential use premises, common use charges, and turn fees are any aircraft operator which has a valid written agreement with the Authority, which provides for terminal rental rates, rent for preferential use premises, common use charges, and turn fees other than as provided for in this section.



# 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](mailto:cpa.admin@pticom.com) Website: <https://cnmiports.com>



## NUTISIAN PUPBLIKU

### **I Manmaproponi na Amenda siha gi Areklamentu yan Regulasion Plåsa gi 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 publika i amenda siha gi iyon-ñiha Areklamentu yan Regulasion Plåsa.

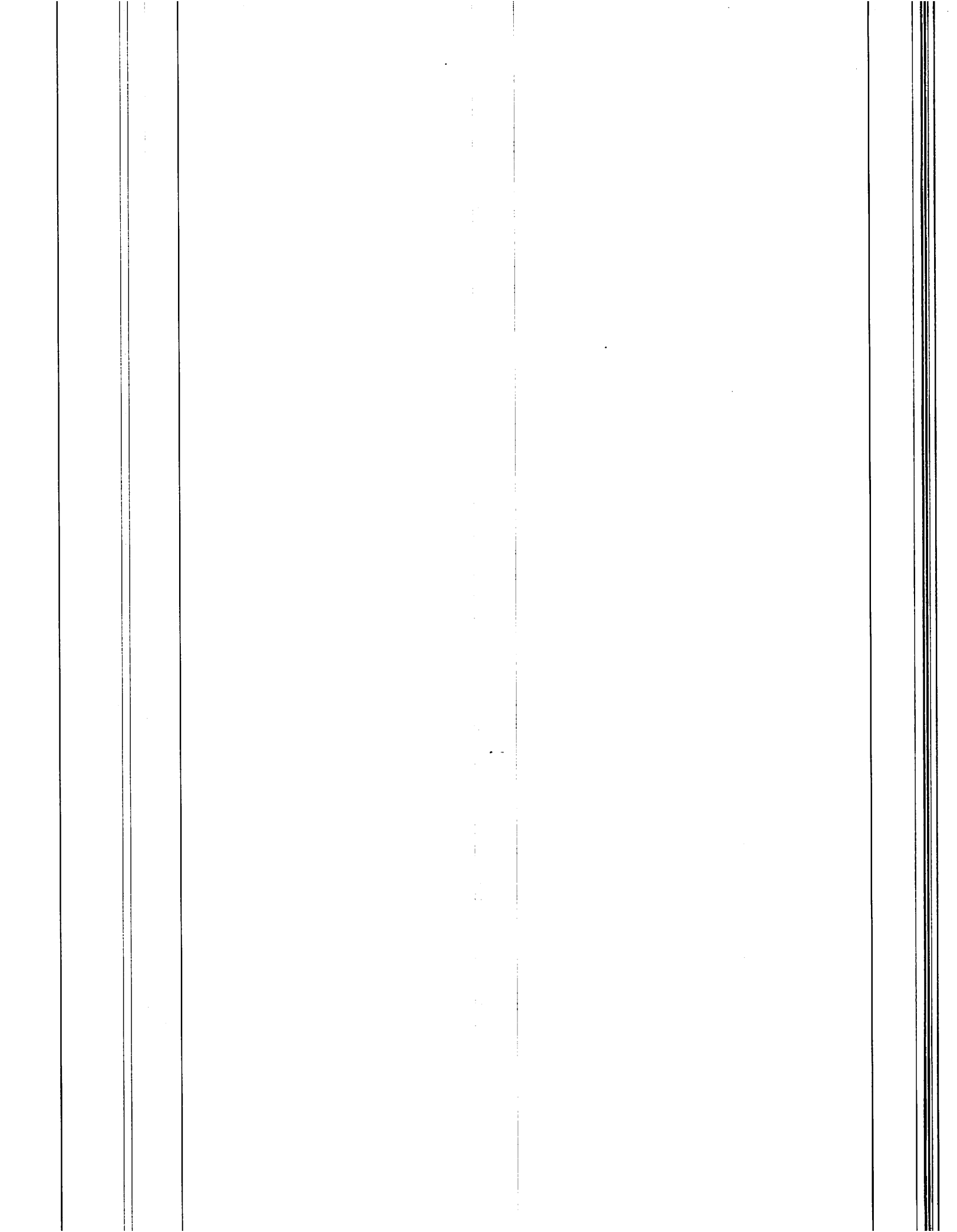
**I AKSION NI MA’INTENSIONA PARA U ADAPTA ESTI I MANMAPROPO NI NA AMENDA SIHA GI AREKLAMENTU YAN REGULASION PLÅSA GI COMMONWEALTH PORTS AUTHORITY:** I nutisia guini mannã’i sigun para 1 CMC § 9104(a) gi Åkton “Administrative Procedure” na i Commonwealth Ports Authority ha intensiona para u publika i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

**I TEMA, SUSTANSIA, YAN I DISKRIPSION I SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA:** Esti i manmaproponi na regulasion siha inamenda i § 40-10.1-1206 ni ti humålum i “aircraft operators” ni guaha ligåt na kuntråtã tinigi’ yan i Aturidåt, ni prumibeni siha para “terminal rental rates,” atkilon para minåolik usun i lugåt siha, “common use charges,” yan “turn fees” ginen i “rate methodology” nu NMIAC § 40-10.1-1206.

**ÅTURIDAT:** I substance nu i sigienti na manmaproponi na amenda siha ginen maninaprueba ni i Kuetpun Mandirektot i CPA gi Huniu 20, 2024, ginen i “CPA Resolution No. 2024-04.” Esti i manmaproponi na amenda siha para publikasiån gi halum Rehistran Commonwealth para nutisia yan Upiñon sigun gi Åkton Administrative Procedure yan para u inaprueba ni Abugådu Hiniråt sigun para 1 CMC § 2153(e). I Commonwealth Ports Authority gai aturidåt para u publika 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 mapublika 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 hålum gi kumbinienti na lugåt gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i prinsipåt na lingguåhin natibu. 1 CMC § 9104(a)(1).

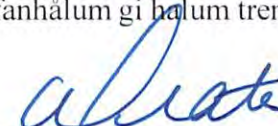
**PARA U MAPRIBENIYI UPIÑON SIHA:** I pitsona siha pat atyu i malagu manna’halum upiñon siha debi di u macho’gui gi tinigi’ para guatu as Siñot Leo Tudela, Eksakatibun Direktot, CPA, gi unu na tinattiyi na manera: Email, fax, mail o sino intrega hålum gi Ufisinan Atministradot i CPA ni gaigi gi Sigundu na Bibienda gi plåsan Francisco C. Ada/Saipan International yan i suhetu na rãya “**I Upiñon siha gi Manmaproponi na Areklamentu yan Regulasion Plåsa.**”



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 fanhålum gi halum trenta (30) dihas dispues di pupblikasion nu esti na nutisia.

Nina'hålum as:

  
\_\_\_\_\_  
LEO B. TUDELA  
Eksakatibun Direktot, CPA


7/23/24  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
OSCAR M. BABAUTA  
Ispisiåt na Ayudånti para i Atministrasiån


7/23/24  
Fetcha

Pine'lu yan Ninota as:

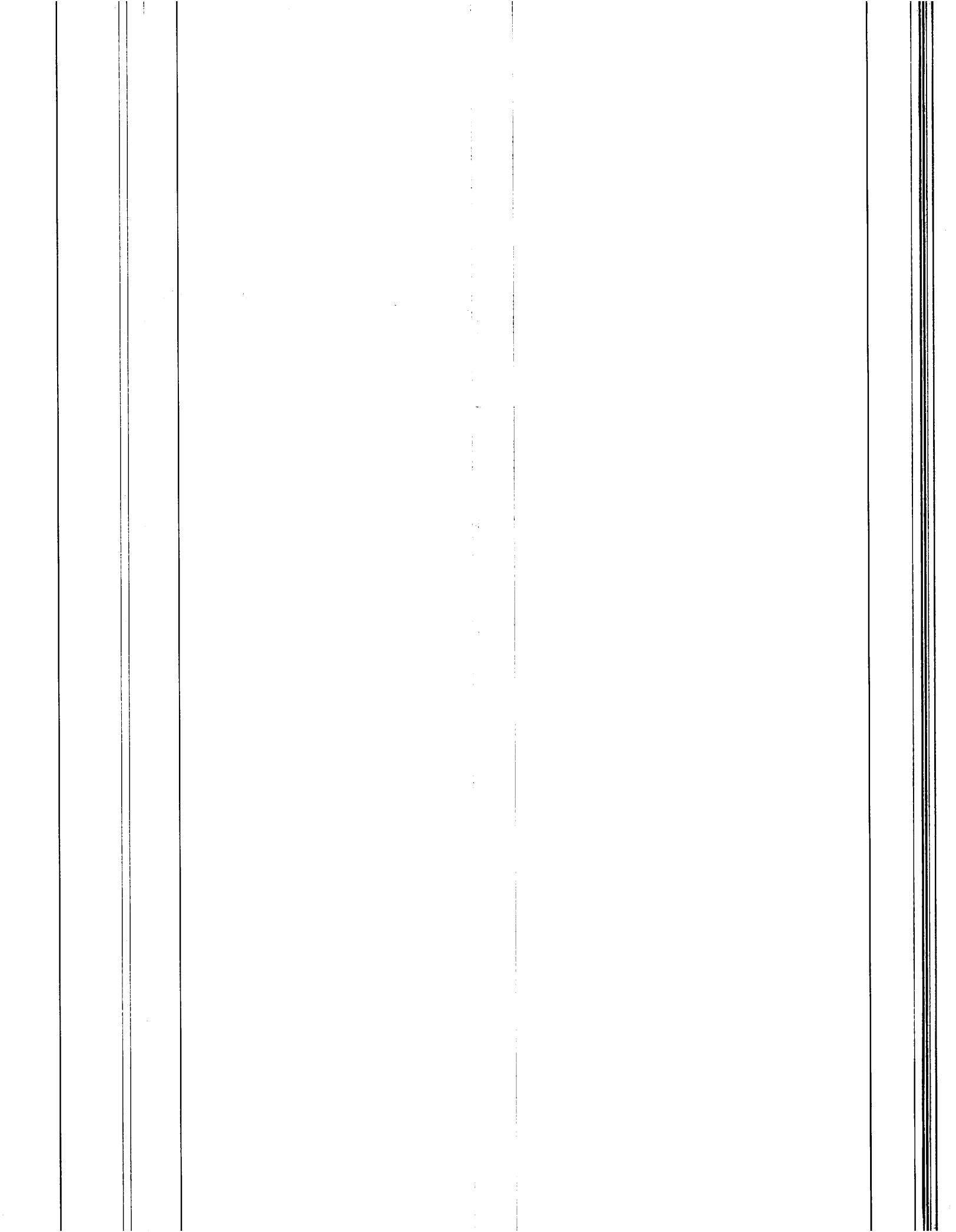
  
\_\_\_\_\_  
ESTHER R.M. SAN NICOLAS  
Rehistran Commonwealth

08.15.2024  
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 ligåt ginin i Abugådu Heneråt CNMI yan debi na u mapupblika, 1 CMC § 2153(f).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Abugådu Hiniråt

7/24/2024  
Fetcha





# Commonwealth Ports Authority

Main Office: SAIPAN INTERNATIONAL AIRPORT, 2<sup>ND</sup> Floor Arrival Bldg.  
PO BOX 501055 • SAIPAN • MP • 96950  
Phone: (1-670) 237-6500/1 Fax: (1-670) 234-5962  
E-Mail Address: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com) Website: [www.cnmiports.com](http://www.cnmiports.com)



## ARONGORONGOL TOULAP

### **Ppwommwol 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.

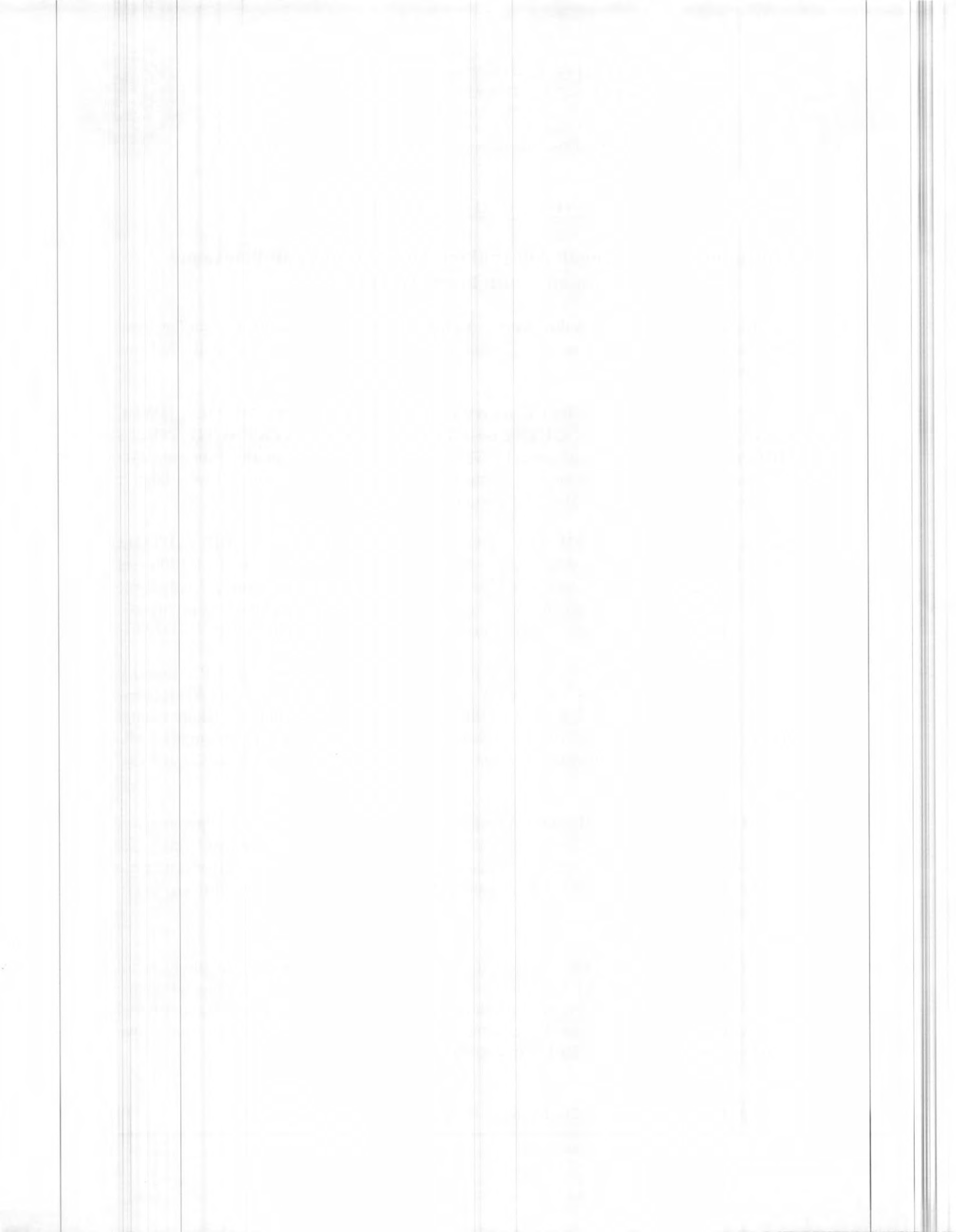
**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMWOL LIIWEL NGÁLI ALLÉGHUL ME MWÓGHUTUGHUTÚL ME COMMONWEALTH PORTS AUTHORITY:** Arongorong yeel nge sáangi 1 CMC § 9104(a) reel Administrative Procedure Act bwe Commonwealth Ports Authority re mángemángil rebwe arongawow liiwel ikka e amwirimwiritiw ngáli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

**KKAPASAL, AWEWEEL, ME FFATAAL REEL KKPASAL ME AUTOL:** Ppwommwol liiwel kkaal e liiweli Alleghúl me Mwóghutughutúl NMIAC § 40-10.1-1206 reel igha ressóbw aschuulong “aircraft operators” iye e yoor aar ischil abwungubwungúl fengál me Authority, iye e ayooora ngáli “terminal rental rates”, “rent” ngáli “preferential use premises”, “common use charges”, me “turn fees” sáangi “rate methodology” sáangi NMIAC § 40-10.1-1206.

**BWÁNGIL:** Autol ppwommwol liiwel ikka e amwirimwiritiw aa átirow sáangi CPA Board-il Directors wóól Alimaté 20, 2024 sáangi CPA Resolution No. 2024-04. Ebwe akkatééwow ppwommwol liiwel kkaal me llól Commonwealth Register ngáli Arongorong me Kkupas sáangi Administrative Procedure Act me ngáli Átirow sáangi Soulemelemil Allégh Lapalap sáangi 1 CMC § 2153(e). Eyoora bwángil Commonwealth Ports Authority rebwe aronga mwóghutughut kkaal sáangi 2 CMC § 2122.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Ppwommwol Mwóghutughut kkaal me llól Commonwealth Register llól tánil Ppwommwol me Ffél Mwóghutughut ikka ra adóptááli, 1 CMC § 9102(a)(1), me ebwe appaschetá llól civic center me bwal llól bwulasyiol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. 1 CMC § 9104(a)(1).


**REEL ISIISILONGOL KKPAS:** Aramas ngáre schóó kka re tipáli rebwe isiisilong ischil kkapas rebwe isii ngáli Mr. Leo Tudela, Executive Director, CPA, 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 fengál 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](mailto:cpa.admin@pticom.com)


Alongal ischil kkapas ebwe toolong llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel.

Isáliyalong:

  
\_\_\_\_\_  
LEO B. TUDELA  
Executive Director, CPA


7/23/24  
Ráál

Bwughiyal:

  
\_\_\_\_\_  
OSCAR M. BABAUTA  
Special Assistant ngáli Administration


7/29/24  
Ráál

Ammwelil:

  
\_\_\_\_\_  
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

08.15.2024  
Ráál

Sángi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3) ra takkal amwuri fischiy me átirowa ppwommwol mwóghutughut ikka e appasch bwe aa ffil reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalal CNMI me ebwe akkatééwow. 1 CMC § 2153(f).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalal

7/29/2024  
Ráál

10/10/17

10/10/17

10/10/17

10/10/17

10/10/17

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# 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



### Voting Members

Herman M. Atalig, SGM (Ret)  
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Maisie B. Tenorio  
Vice-Chairperson

Gregory P. Borja  
Secretary/Treasurer

Andrew L. Orsini  
Member

Antonio L. Borja  
Member

### Non-Voting Members

Dora B. Miura, PhD  
Teacher Representative

Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-20 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 §60-20 Part 100 Organization, Philosophy, and Goals.

**THE SUBJECTS AND ISSUES INVOLVED:** The Proposed Regulation sets forth the regulations and procedures required for §60-20-005 Retention of Board Discretion, §60-20-101(a) School Board Organizations; Board Officers, §60-20-110 Standing Committees, §60-20-120 Meetings of the Board, §60-20-125 Agenda, §60-20-150 Public Records, and §60-20-404 Searches By School Personnel.

**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 local government offices in each senatorial district, both in English and the principal vernacular. (1 CMC § 9104 (a) (1))

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# THE BOARD OF DIRECTORS

MEMORANDUM FOR THE BOARD OF DIRECTORS  
SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]


6. [Illegible]


7. [Illegible]


8. [Illegible]

**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](mailto: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 Regular Meeting on January 19, 2024.


Submitted by:  3/4/24  
Herman M. Atalig, SGM (Ret) Date  
Chairman, State Board of Education

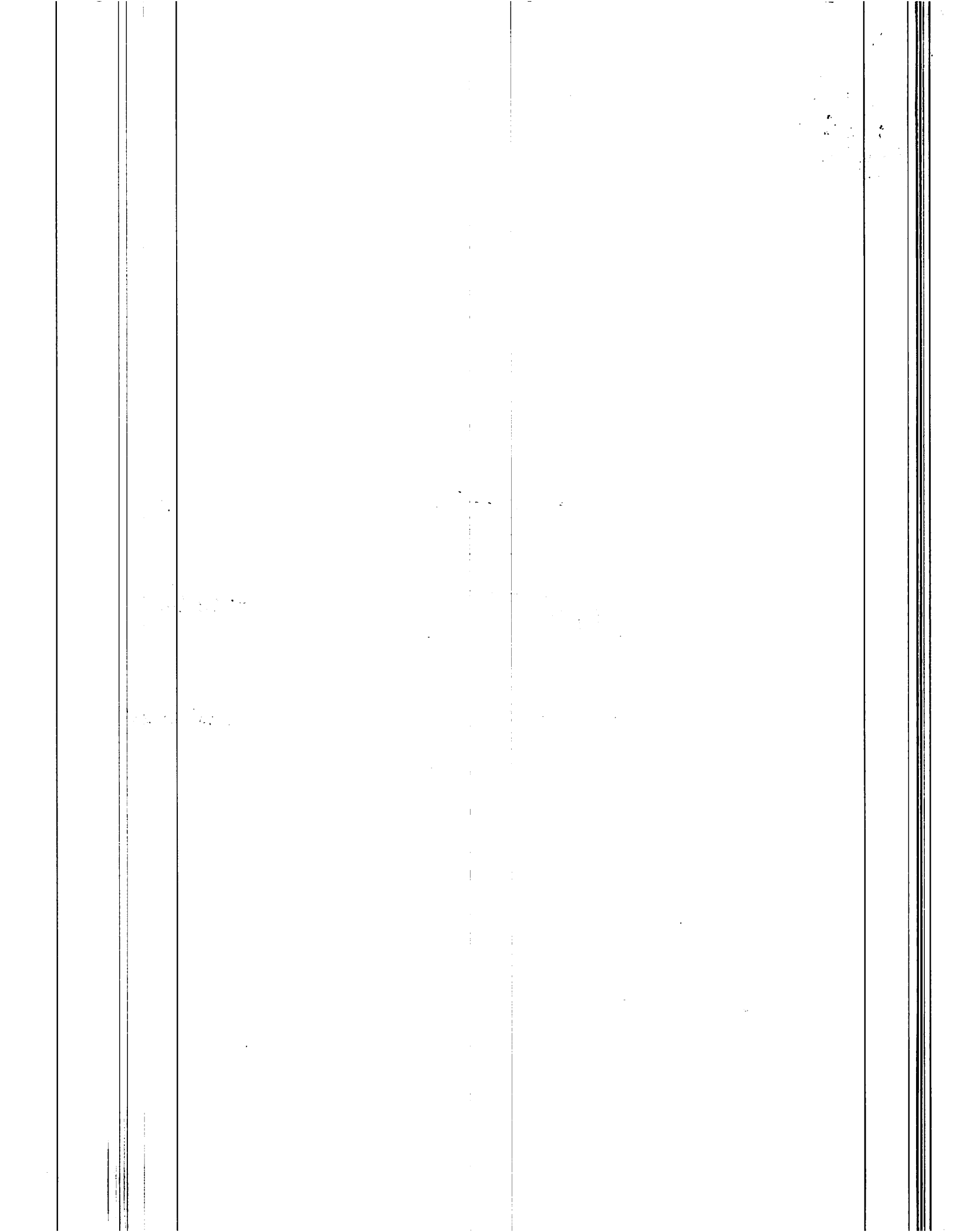
Received by:  7/24/24  
Oscar M. Babauta Date  
Special Assistant for Administration

Filed and Recorded by:  08.15.2024  
Esther R.M. San Nicolas Date  
Commonwealth Register per

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 13 day of March 2024.

  
Edward E. Manibusan  
Attorney General



**§ 60-20-005 Retention of Board Discretion.** (a) The State Board of Education retains full discretion to act in the best interests of the Public School System. These Regulations, and all other Regulations promulgated by the Board are promulgated for the convenience of the System and the community it serves. Nothing herein creates any substantive rights of any kind, including but not limited to property rights, privacy rights or liberty interests. Nor are any procedural rights of any kind created by any regulation herein. Nothing in NMIAC 60-20 creates any substantive rights of any kind, including but not limited to property rights, privacy rights or liberty interests. Nor are any procedural rights of any kind created by any regulation promulgated by the Board.

(b) In these regulations, unless the context requires a different construction, the words "Commissioner" and "Superintendent" are used interchangeably.

### **§ 60-20-101(a) School Board Organization; Board Officers**

...

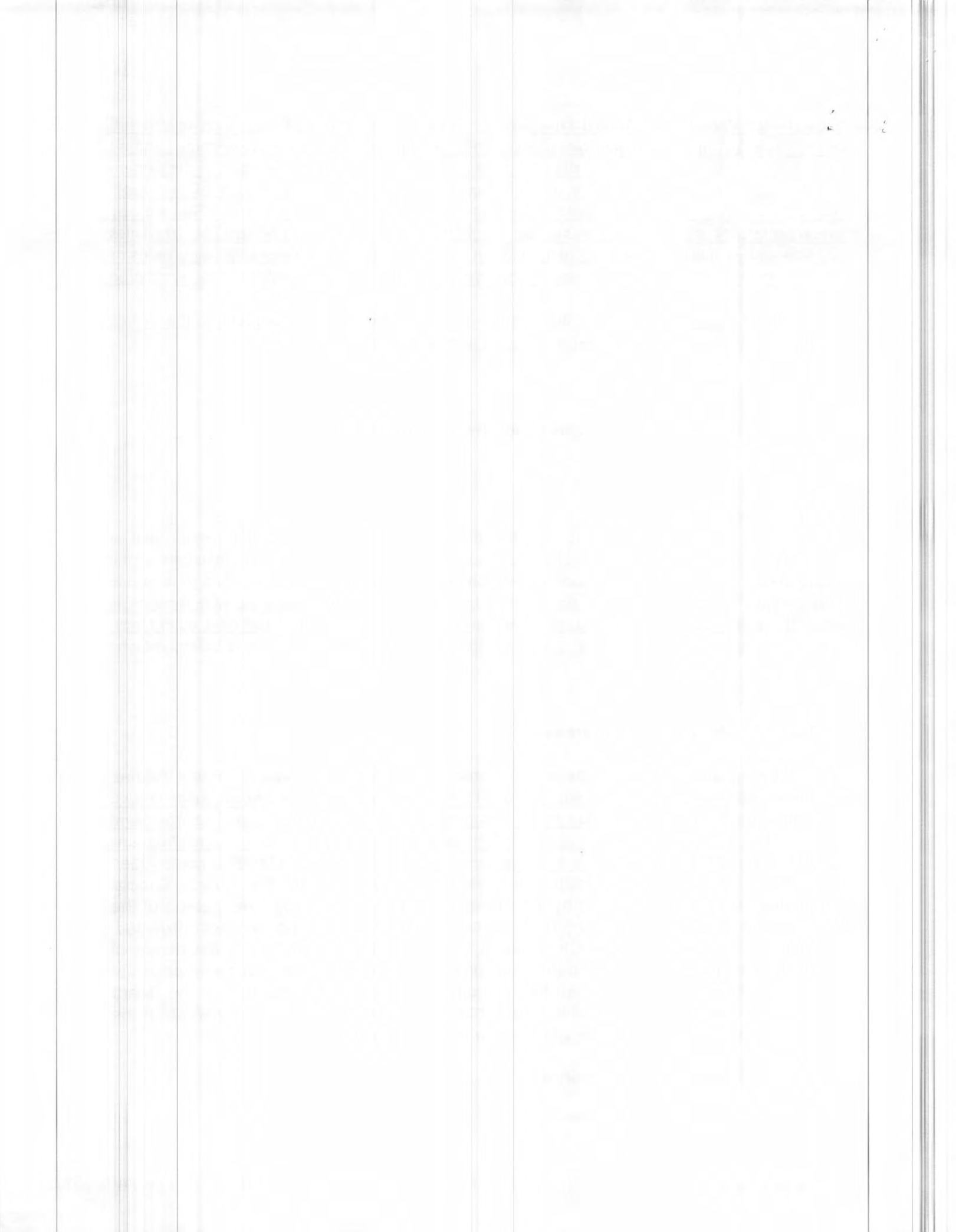
#### **(a) Officer Titles**

There shall be three officers of the Board: a Chairperson, a Vice-chairperson and a Secretary/Treasurer. These officers shall be elected by a majority of the voting members of the Board during the regular January meeting of each year. Each officer shall serve for a term of one year except for death, resignation or removal. In the event that the regular January meeting is delayed, postponed, or cancelled, each officer shall retain office until the next emergency, special or regular meeting occurs at which an election must be held. The same members may be re-elected.

### **§ 60-20-110 Standing Committees**

The following standing committees are hereby established: ~~Personnel, Fiscal Affairs, Program and Legislative~~ Committee on Fiscal, Personnel and Administration (FPA); Committee on Instructional Services and Assessment (ISA); Committee on Capital Improvement and PSS Property (CIP); Committee on Student Issues and Community and Parent Programs (SICPP); Committee on Legislative & Intergovernmental Affairs (LIA). Standing committees shall have such duties and responsibilities as are provided by the Board. Special committees may be established by the Board from time to time. The Chairperson of the Board shall appoint the Chairpersons and members of all committees provided, however, that in so doing the Chairperson shall give due recognition to the desire of each member to serve upon a particular committee or committees. No member of the Board may serve upon more than two standing committees. No member of the Board may be the chairperson of more than one standing committee. The Chairperson of the Board may not serve as the chairperson of a standing committee.

### **§ 60-20-120 Meetings of the Board**



(a) The Board shall hold an annual organizational meeting ~~on the 2nd Tuesday of November~~ during the regular January meeting of each year to elect its officers. The Chairperson of the Board for the preceding year will preside at this meeting until the chairperson for the new fiscal year is elected. If the former Chairperson is not still a member or is absent, the Vice-chairperson of the preceding year will preside. If the former Vice-chairperson also is not still a member or is absent, the members present shall select a temporary chairperson to preside until a chairperson is elected. This meeting is a regular meeting.

...

(c) Special meetings may be called by the Chairperson of the Board, by requesting the ~~Superintendent~~ Commissioner to send a written notice to all members no less than ~~seven days~~ seventy two hours before the meeting. ~~At the discretion of the Chairperson, special meetings may be open or closed.~~

...

(f) (1) Electronic Meetings Authorized. In the event that a member is in the Commonwealth of the Northern Mariana Islands but is unable to attend a meeting in person, such member may appear via Internet or online video conferencing, teleconferencing, or other means of communication. Members appearing pursuant to this subsection are counted as physically present for purposes of quorum, voting, or otherwise.

(2) Forced disconnections. The chairperson may direct the muting of a member's connection if it is causing undue interference with the meeting.

(3) Technical requirements and malfunctions. Each member is responsible for his or her audio and Internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.

### **§ 60-20-125 Agenda**

The agenda for each regular meeting of the Board shall be submitted with the notice of the meeting. The agenda shall include ~~the following~~ substantially as follows: call to order, determination of attendance and quorum, adoption of previous minutes, public comment, presentation of communications, committee reports, ~~Superintendent~~ Commissioner's report, discussion of unfinished business, discussion of new business, legal counsel's report, executive session if necessary, miscellaneous matters, and proposals for subsequent meetings, and adjournment. The agenda shall be prepared by the ~~Superintendent~~ Commissioner, subject to the direction of the Board.

**§ 60-20-130 Conduct of Meetings** The conduct of all meetings of the Board and its committees shall follow acceptable standards of parliamentary procedure. The Chairperson shall decide all questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote; ~~provided, however, that any two members of the Board may request a secret ballot upon any question before the Board.~~

1. 姓名: 张三  
2. 性别: 男  
3. 年龄: 25  
4. 职业: 教师

5. 籍贯: 广东  
6. 学历: 本科  
7. 婚姻状况: 未婚

8. 联系电话: 13800000000  
9. 电子邮箱: zhangsan@example.com

10. 身份证号: 110101199001010001

1. 姓名: 李四  
2. 性别: 女  
3. 年龄: 30  
4. 职业: 医生

5. 籍贯: 北京  
6. 学历: 硕士  
7. 婚姻状况: 已婚

8. 联系电话: 13900000000  
9. 电子邮箱: lisi@example.com

10. 身份证号: 110102196002020002

## **§.60-20-150 Public Records**

(a) In order to promote confidence in and support of the ~~Marianas~~ Public School System, the Board of Education declares that citizens of the Commonwealth shall have access to information contained in its public records as required by the Open Government Act.

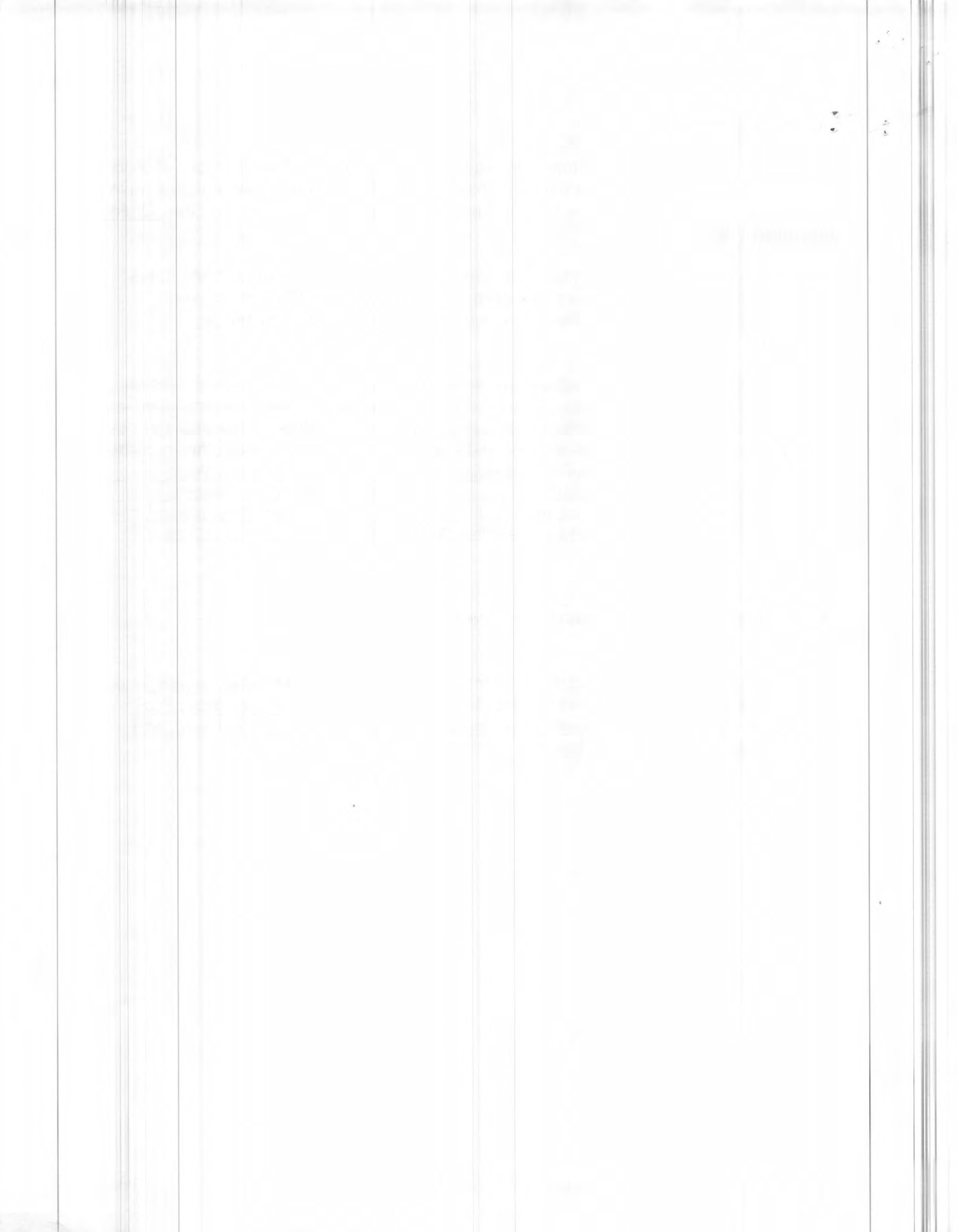
(b) Public records as defined in this section are open for inspection during office hours of the school system. Every citizen has a right to inspect any public school record except those records for which disclosure is exempted or prohibited by law or regulation.

(c) ~~"Public records" include all official Board minutes except those of closed sessions, maps, drawings, curricular materials and other documents prepared, owned, used or retained by the Northern Marianas public school system regardless of physical form or characteristics except individual student and personnel records and any other records required by law to be kept confidential~~ means any record which the Board or Public School System is required by law to keep or which it is necessary to keep in discharge of duties imposed by law. Such public records may include, but are not limited to, any written or printed report, book or paper, map or plan, but shall not include records which invade the right of privacy of an individual or business entity.

## **§ 60-20-404 Searches by School Personnel**

(e) Surveillance

Surveillance shall only be conducted in hallways, cafeterias, school buses vehicles, and other areas open to public view where the students are permitted, rooms storing PSS property, classrooms and areas where students with special needs can be found, and food preparation and service areas.





# STATE BOARD OF EDUCATION

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Vice-Chairperson

Gregory P. Borja  
Secretary/Treasurer

Andrew L. Orsini  
Member

Antonio L. Borja  
Member

## Non-Voting Members

Dora B. Miura, PhD  
Teacher Representative

Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## NUTISIAN PUPBLIKU PUT I MANMAPRONI NA AREKLAMENTU YAN REGULASION NI MANMA'AMENDA PARA AREKLAMENTU YAN REGULASION SIHA PUT I PATTIN 60-20 GI AREKLAMENTU YAN REGULASION I SISTEMAN ISKUELAN PUPBLIKU

**I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariãnas Sistemán Iskuelan Pupbliku (“PSS”) ha sodda’ na:

**I AKSION NI MA’INTENSIONA PARA U MA’ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariãnas Siha, i Sistemán Iskuelan Pupbliku ha intensiona para u adapta komu petmanienti i regulasion siha i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Akton Administrative Procedures, 1 CMC § 9104(a). I Regulasion siha siempri umifektibu gi halum dies (10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

**ÁTURIDÁT:** I manmaproponi na amenda siha gi regulasion PSS manmacho’gui sigun gi áturidát i Kuetpu komu mapribeniya ginin i Attikulu XV gi Konstitusion CNMI, Lai Pupbliku 6-10 yan i Akton Administrative Procedures giya CNMI.

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I manmaproponi na amenda pumega mo’na para u pribeniya i maneran giniha para PSS § 60-20 Páti 100 Otganisasion, “Philosophy,” yan “Goals.”

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA:** I Maproponi na Regulasion pumega mo’na i regulasion yan i manera ni manisissita para § 60-20-005 “Retention of Board Discretion,” §60-20-101(a) Otganisasion Kuetpun Iskuela siha; Kuetpun Ufisiát siha, §60-20-110 Manmanohnohgi na Kumite, §60-20-120 Huntan Kuetpu, §60-20-125 “Agenda,” §60-20-150 Ninotan Pupbliku siha, yan §60-20-404 “Searches By School Personnel.”

**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’adapta 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 llinguáhin natibu. (1 CMC § 9104(a)(1))

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Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in several lines and appears to be a list or a set of instructions, but the characters are too light to transcribe accurately.

Handwritten mark or signature in the top right corner, possibly initials or a small signature.



# STATE BOARD OF EDUCATION

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Member

Antonio L. Borja  
Member

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Teacher Representative


Ronald E. Snyder, EdD  
Non Public School Rep.


Jane Nicole Mozunder  
Student Representative

**PARA U MAPRIBENIYU UPINON SIHA:** Todu i manintirisão na pitsona siha siña ma'eksamina i manmaproponi na amenda siha yan intrega hálum i tinigi' upiñon, pusisión, pat sinangan siha para pat kinentran i manmaproponi na amenda siha guatu gi Kabesiyu, i State Board of Education, ginen guatu gi mail gi P.O. Box 501370 CK, Saipan, MP 96950, pat ágang gi 670-664-3711 pat email para [boe.admin@cnmipss.org](mailto: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 ginen maninaprueba gi Huntan i State Board of Education gi Ineru 19, 2024.

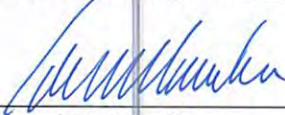
Nina'hálum as:  07.19.24  
Maisie B. Tenorio  
Kabesiyu, State Board of Education  
Fetcha

Rinisibi as:  7/23/24  
Oscar M. Babauta  
Ispisiát Na Ayudántin I Atministrasion  
Fetcha

Pine'lu yan  
Ninota as:  08.15.2024  
Esther 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 mapupblika, (1 CMC § 2153(f) publikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha 13 gi Huliu, 2024.

  
Edward E. Manibusan  
Abugádu Hinirát

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Teacher Representative

Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## ARONGORONGOL TOULAP REEL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT IKKA RA LIIWELI NGÁLI ALLÉGH ME MWÓGHUTUGHUT IKKA E SÚLLÚNGÁLI CHAPTER 60-20 PUBLIC SCHOOL SYSTEM ALLÉGH ME MWÓGHUTUGHUT

**PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téel Falúw kka Efang llól Marianas Public School System re schuungi bwe:

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téel Falúw kka Efang llól Marianas Public School System re mángemángil rebwe adóptááli mwóghutughut kkaal bwe ebwe lléghló ikka e appasch bwe Ppommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkaal seigh (10) ráál mwiril aar adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Ppwommwol liiwel ikka ngáli mwóghutughutúl PSS ebwe arongowow sáangi bwángil Board reel iye e tutto me reel Article XV reel CNMI Constitution, Alléghúl Toulap 6-10 me CNMI Administrative Act.

**KKAPASAL ME AWEEWEEL:** Ppwommwol liiwel e ayoora siiwel me afal reel mwóghutughut ngáli PSS §60-20 Part 100 Organization, Philosophy, me Goals.

**KKAPASAL ME AUTOL:** Ppwommwol Mwóghutughut iye re ayoora ebwe tééló mmwal reel mwóghutughut ikka e fil ngáli §60-20-005 Retention of Board Discretion, §60-20-101(a) School Board Organizations; Board officers, §60-20-125 Agenda, §60-20-150 Public Records, me § 60-20-404 Searches By School Personnel.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Ppwommwol Mwóghutughut kkaal me llól Commonwealth Register llól tánil ppwommwol me ffél mwóghutughut ikka ra adóptáánil. (1 CMC § 9102(a) (1) me ebwe appaschetá me llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch.

**REEL ISIISLONGOL KKPAS:** Schóó kka re tipáli rebwe amwuri ppwommwol liiwel me isiisilongischil kkapas, positions, ngáre kkapasal aweewe ngáli ngáre konturali ppwommwol liiwel kkaal rebwe isiis ngáli Chairperson, State Board of Education, via email me P.O. Box 501370 CK, Saipan, MP 96950, ngáre bwal reel tilifon me 670-664-3711 ngáre email me

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# 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



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[boe.admin@cnmipss.org](mailto:boc.admin@cnmipss.org) llól eliigh (30) ráál mwiril aal akkatééwow liiwel kkaal me llól Commonwealth Register. (1 CMC § 9104(a)(2))

Aa átirow ppwommwol mwóghutughut kkaal ngáli ebwe akkatééwow me llól Register ngáliir toulap reel kkapas me State Board of Education Regular Meeting wóol Schoow 19,2024.


Isáliyalong:  07.19.24  
Maisie B. Tenorio, Acting Chairperson  
State Board of Education  
Ráál

Bwughiyal:  7/23/24  
Oscar Babauta  
Special Assistant ngáli Administration  
Ráál

Ammwelil:  08.15.2024  
Esther R.M. San Nicolas  
Commonwealth Registrar  
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal mwóghutughut me reel AG bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me legal sufficiency sáangi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow (1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Ghikkill wóol 13 ráálil Wuun, 2024.

  
Edward E. Manibusan  
Soulemelemil Allégh Lapalap

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Teacher Representative

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Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-30 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 §60-30.2 Part 200 Certification.

**THE SUBJECTS AND ISSUES INVOLVED:** The Proposed Regulation sets forth the regulations and procedures required for §60-30.2-225 Types of Certification and Requirements, §60-30.2-227 Types of Certification and Requirements: Alternative Levels, §60-30.2-235 Renewal or Re-application

**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))

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# MEMORANDUM FOR THE RECORD

TO : THE PRESIDENT

FROM : THE SECRETARY OF STATE

SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

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22. [Illegible]


23. [Illegible]


24. [Illegible]

**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](mailto: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 Regular Meeting on January 19, 2024.

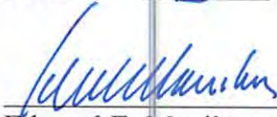
Submitted by:  3/4/24  
Herman M. Atalig, SGM (Ret) Date  
Chairman, State Board of Education

Received by:  7/23/24  
Oscar M. Babauta Date  
Special Assistant for Administration

Filed and Recorded by:  08.15.2024  
Esther R.M. San Nicolas Date  
Commonwealth Register *par*

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 13 day of March 2024.

  
Edward E. Manibusan  
Attorney General



## § 60-30.2-225 Types of Certification and Requirements

(a) A paraprofessional certificate is required of all those who fall under the definition of Paraprofessional and can require one of the following:

- (1) Completed two years of study at an institution of higher education; or
- (2) Obtained an associate's (or higher) degree; or
- (3) Met rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or as appropriate, reading readiness, writing readiness, and mathematics readiness).

(b) The Commonwealth shall have five general levels of certification for professionals in the field of education: Basic I, Specialized, Basic II, Standard, and Professional.

### (1) Basic I Certificate

A Basic I Certificate is a two-year certificate for teachers, school librarians, school counselors, school administrators, and instructors.

#### (i) Eligibility Requirements

(A) The Basic I Certificate requires that teachers, school librarians, school counselors, school administrators and other professional applicants possess either a baccalaureate, masters, or doctoral degree resulting from a course of instruction of at least three and one-half years length at a college or university recognized by U.S. accreditation commissions approved by PSS. An applicant who possesses a baccalaureate, masters or doctoral degree resulting from a course of instruction of at least three and one-half years length at a college or university not accredited from an approved commission shall have his/her transcript of courses evaluated and certified to be equivalent to a degree conferred by accredited schools. The certification and evaluation of program equivalency shall only be conducted by the agencies identified and approved by PSS. The applicant is responsible for the cost of the program equivalency certification. Failure to obtain such certification shall render an applicant disqualified for failure to meet the education requirement(s) of the position.

(B) Basic I Instructor Certificate may be provided to instructor applicants in specialized areas who submit the required documentation and meet the minimum requirements as set forth in the PSS classification guidelines.

(C) Submittal of documentation requirements prior to effective date of employment.

Requirements include:

1. Complete and signed certification application form.
2. ~~One passport size photo.~~ Valid government-issued photo identification.
3. Official college transcripts.
4. Teaching certificate (if any).
5. Receipt of payment from PSS Treasurer for certification processing fee.
6. FBI fingerprint submission and current police clearance (valid for one year).
7. (April 7, 2018): Test result showing that an applicant has taken and passed the PRAXIS II exam, excluding professionally licensed related services providers. Effective May 26, 2010: Alternatively, proof of passage of a rigorous content knowledge test administered by an individual jurisdiction deemed substantially equivalent to passing the PRAXIS I and II exams (as determined by the Board of Education through their representative, the Coordinator of Certification and Licensure) shall satisfy this requirement for an applicant's initial two-year Basic I certification. Any renewal of certification or subsequent application for Basic I certification shall require that the applicant show that they have passed the PRAXIS I and II exams.
8. Current recommendation letter from a supervisor or principal: Upon renewal of the Basic I Certificate, the applicant must submit a recommendation from his/her principal or supervisor,

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which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Basic I Certificate.

(ii) Education; Certification Course Requirements

Prior to the two-year expiration date of the Basic I Certificate, the applicant must provide an official transcript or certificate of completion of the Basic II Certificate courses or applicable certification courses.

(iii) Term

The Basic I Certificate for teachers, school librarians, school counselors, [school administrators](#), and instructors is invalid after its expiration date and shall be renewable. The Basic I Certificate may be renewed an unlimited number of times repeating the eligibility requirements every two years with proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses. ~~The Basic I Certificate for school administrators is invalid after its expiration date and shall not be reissued. Requirements must be satisfied to upgrade to the next certification level.~~

2) Specialized Certificate

A Specialized Certificate is a two-year certificate specifically for instructors who do not have a bachelor's degree but have specialized training/experience in a particular field or have met the minimum requirements established by PSS.

(i) Eligibility Requirements

(A) Meet eligibility requirements for Basic I Instructor Certificate.

(B) All instructors must submit a completed and signed application form in the CNMI under the penalty of perjury for a Specialized Certificate.

(C) Submit receipt of payment from the CNMI PSS Treasurer for certification processing fee.

(D) Current police clearance (valid for one year).

(E) Upon submission of initial application for a Specialized Certificate, applicant must submit proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(F) Current recommendation letter: Upon submission of initial application for a Specialized Certificate and upon renewal of the Specialized Certificate, applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Specialized Certificate.

[\(G\) Valid government-issued photo identification](#)

(ii) Education; Certification Course Requirements

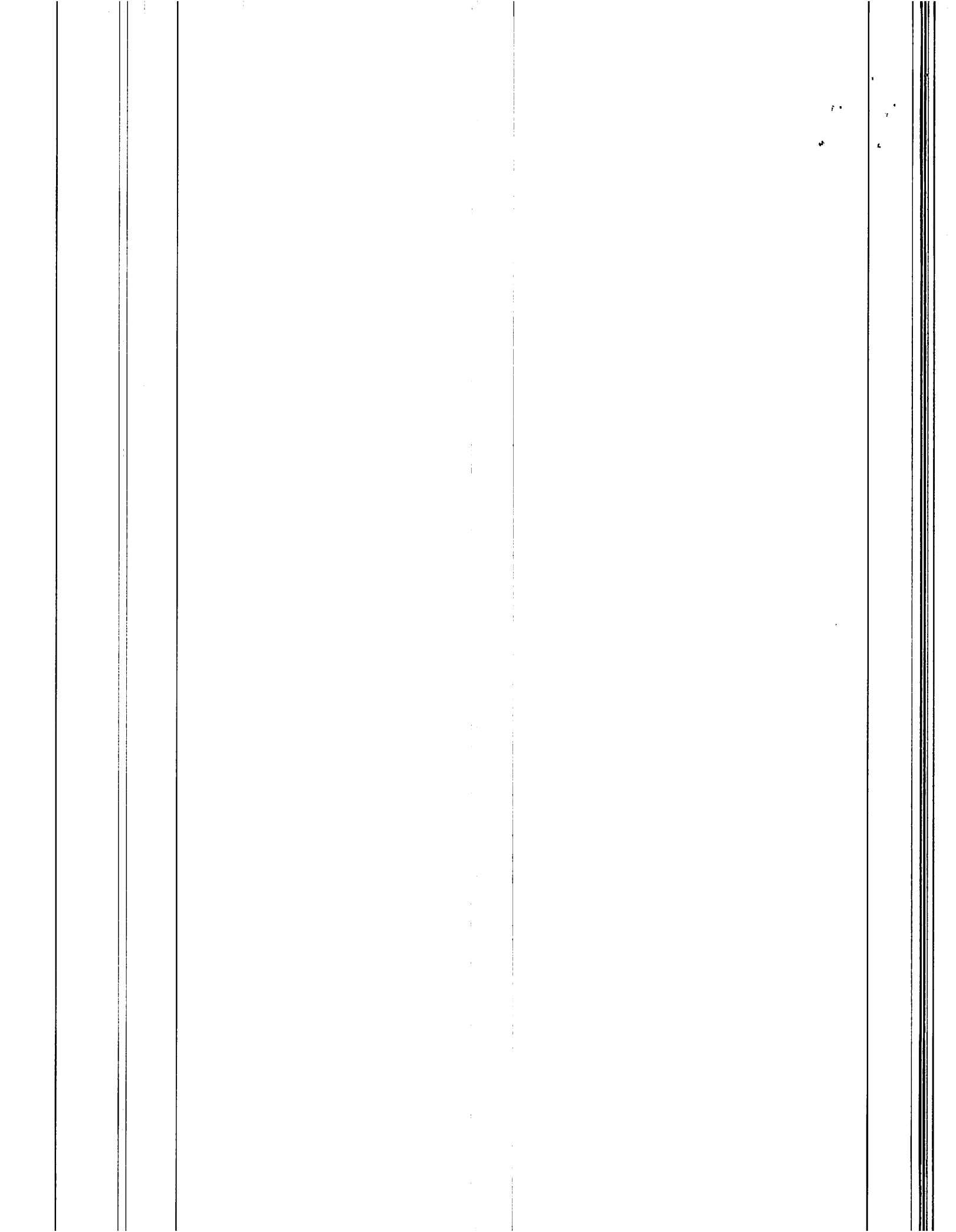
Prior to the two-year expiration date of the Basic I Instructor Certificate, the applicant must provide an official transcript or certificate of completion of specific specialized courses.

Education courses for the specialized certificate are as follows:

(A) Specialized Certification in Bilingual Program

Instructors assigned to teach in a bilingual program must complete the following courses or equivalent:

1. Computer technology
2. Instruction in teaching linguistically diverse students
3. Instruction in Chamorro/Carolinian language arts
4. Instruction in planning and assessment for diverse classroom
5. Instruction for students with disabilities
6. Instruction in lesson planning and classroom management
7. Chamorro or Carolinian orthography.



(B) Specialized Certificate in Early Childhood (Head Start) Instructors teaching in the Head Start program must complete the following courses or equivalent:

1. Computer technology
2. Curriculum in early childhood education
3. Education for parenthood
4. Guiding and nurturing
5. Safety and first aid for young children
6. Administration in early childhood education
7. Introduction to exceptional individuals.

(C) Specialized Certificate in Vocational Education

Instructors for vocational education classes must complete the following courses or equivalent:

1. Computer technology
2. Instructional strategies and classroom management
3. Instructional in teaching linguistically diverse students
4. Instruction in planning and assessment
5. Occupational competency as approved by PSS.

(D) Term

Instructors may renew the Specialized Certificate an unlimited number of times repeating the eligibility requirements every two years with proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses

3) Basic II Certificate

A Basic II Certificate is a three-year certificate for teachers, school librarians, school counselors, and related service providers. Basic II Certificate will be issued upon submission of completed requirements.

(i) Eligibility Requirements

(A) Applicant must meet eligibility requirements for Basic I Certificate.

(B) The applicant must submit a current recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Basic II Certificate.

(C) The applicant must submit a copy of receipt from the CNMI PSS Treasurer for certification processing fee.

(D) Current police clearance (valid for one year)

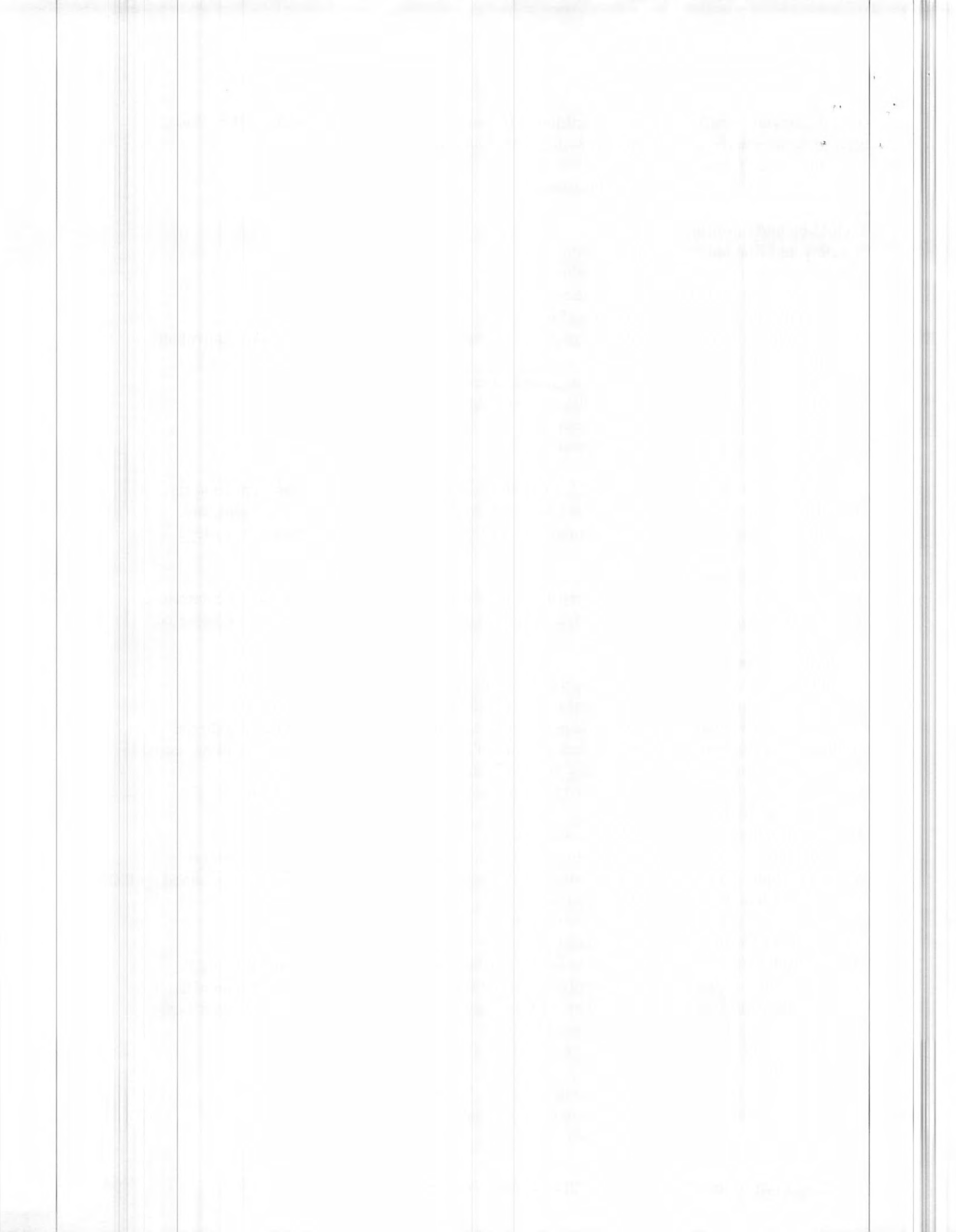
(E) Upon submission of initial application for a Basic II Certificate, applicant must submit proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(F) Valid government-issued photo identification

(ii) Education; Certification Course Requirements

(A) Prior to the expiration date of the Basic I Certificate and before issuance of the Basic II Certificate, any teacher or librarian applying for the Basic II Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Multi-cultural education/teaching linguistically diverse students
2. Teaching reading
3. Inclusive practice for students with learning disability
4. Instructional strategies/classroom management
5. Internship or mentoring program



6. Computer technology.

(B) Prior to the expiration date of the Basic I Certificate, any school counselor applying for the Basic II Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Computer technology
2. Test and measurement
3. Introduction to counseling
4. Issues and philosophies of culturally diverse schools
5. Multi-cultural counseling
6. Counseling process: theory
7. Counseling process: practice.

(iii) Term.

The Basic II Certificate is invalid after its expiration date and shall be renewable. The Basic II Certificate may be renewed an unlimited number of times repeating the eligibility requirements every three years with proof of completion of 180 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

4) Standard Certificate

A Standard Certificate is a five-year certificate for teachers, school librarians, school counselors, and related service providers.

(i) Eligibility Requirements

(A) The applicant must meet eligibility requirements for the Basic II Certificate.

(B) Current recommendation letter from a supervisor or principal: the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Standard Certificate.

(C) Assigned application form in the CNMI under the penalty of perjury.

(D) An official transcript showing satisfactory completion of the required courses or equivalent or a certificate of completion.

(E) A copy of receipt from the CNMI PSS Treasurer for certification processing fee.

(F) Current police clearance (valid for one year).

(G) Upon submission of initial application for a Standard Certificate, applicant must submit proof of completion of 180 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

**(H) Valid government-issued photo identification**

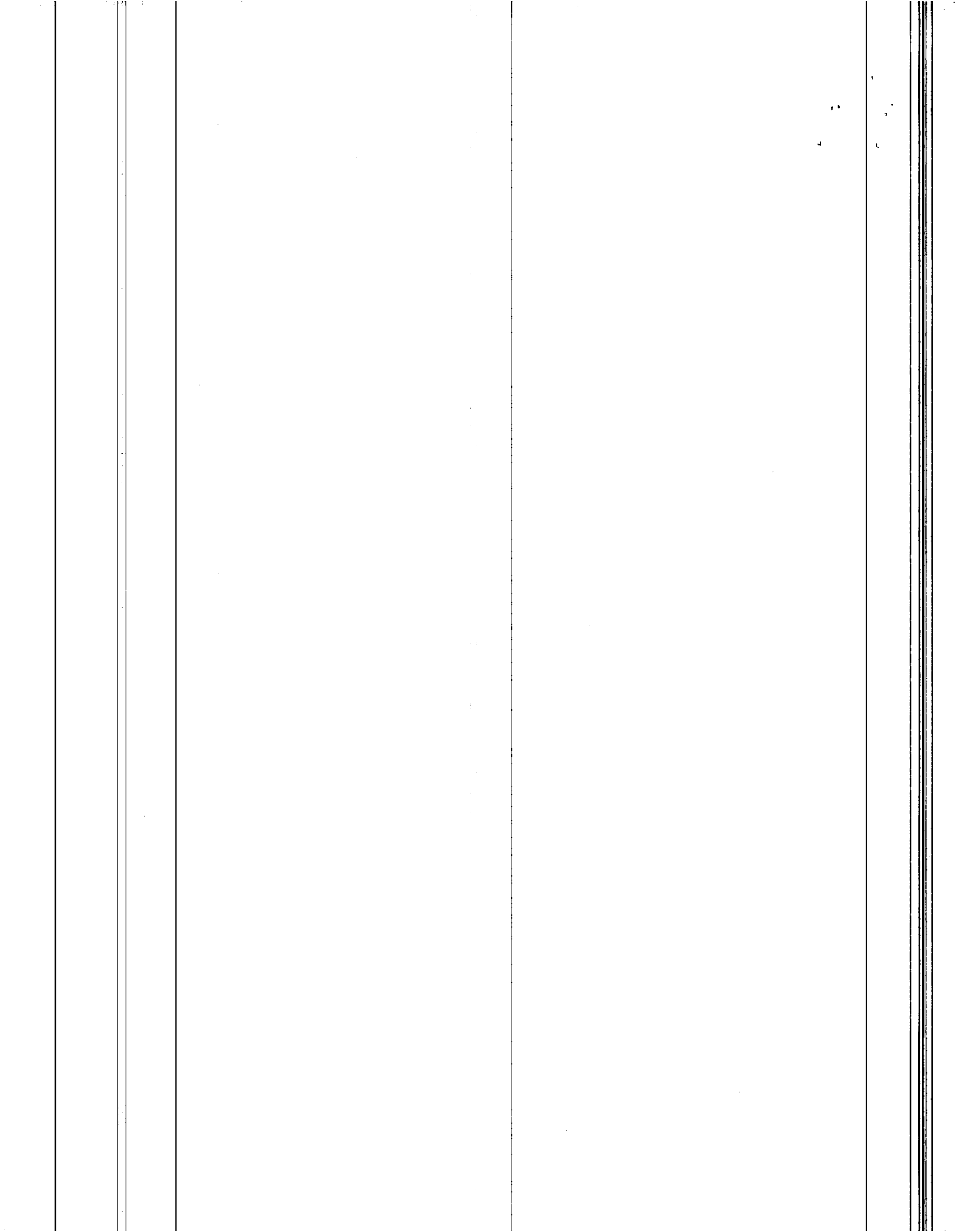
(ii) Education; Certification Course Requirements

(A) Standard Certificate with Elementary Education Endorsement

Teacher teaching in elementary schools must complete the following courses or equivalent.

1. Instructional technology
2. NMI history/pacific institute (NMI)
3. Reading diagnostic
4. Tests and measurements
5. Language arts methods
6. Math methods
7. Science methods
8. Social studies methods
9. Curriculum in early childhood education

(B) Standard Certificate with Special Education Endorsement



Special education teachers teaching in the special education program must complete the following courses or equivalent.

1. Instructional technology
2. NMI history/pacific institute (NMI)
3. Reading diagnostic
4. Tests and measurements
5. Student evaluation for special education
6. Behavioral modification in the classroom
7. Modification and adaptation of curriculum for special education students
8. Medical implication of special education students in the classroom
9. Current issues in special education.

(C) Standard Certification with Early Childhood Special Education Endorsement

Teachers providing education services to students in the early childhood intervention program must complete the following courses or equivalent.

1. Instructional technology
2. NMI history/pacific institute (NMI)
3. Reading diagnostic
4. Tests and measurements
5. Philosophical, historical and legal foundations of early\*
6. Intervention and special education
7. Health, safety and medical aspects of children with special needs
8. Fundamentals child growth and development
9. Partnerships and families
10. Evaluation & assessment
11. Program implementation in natural environments.

[\* So in original.]

(D) Standard Certificate with Early Childhood Education (Head Start) Endorsement

Teachers providing educational services to students in the Head Start program must complete the following courses or equivalent.

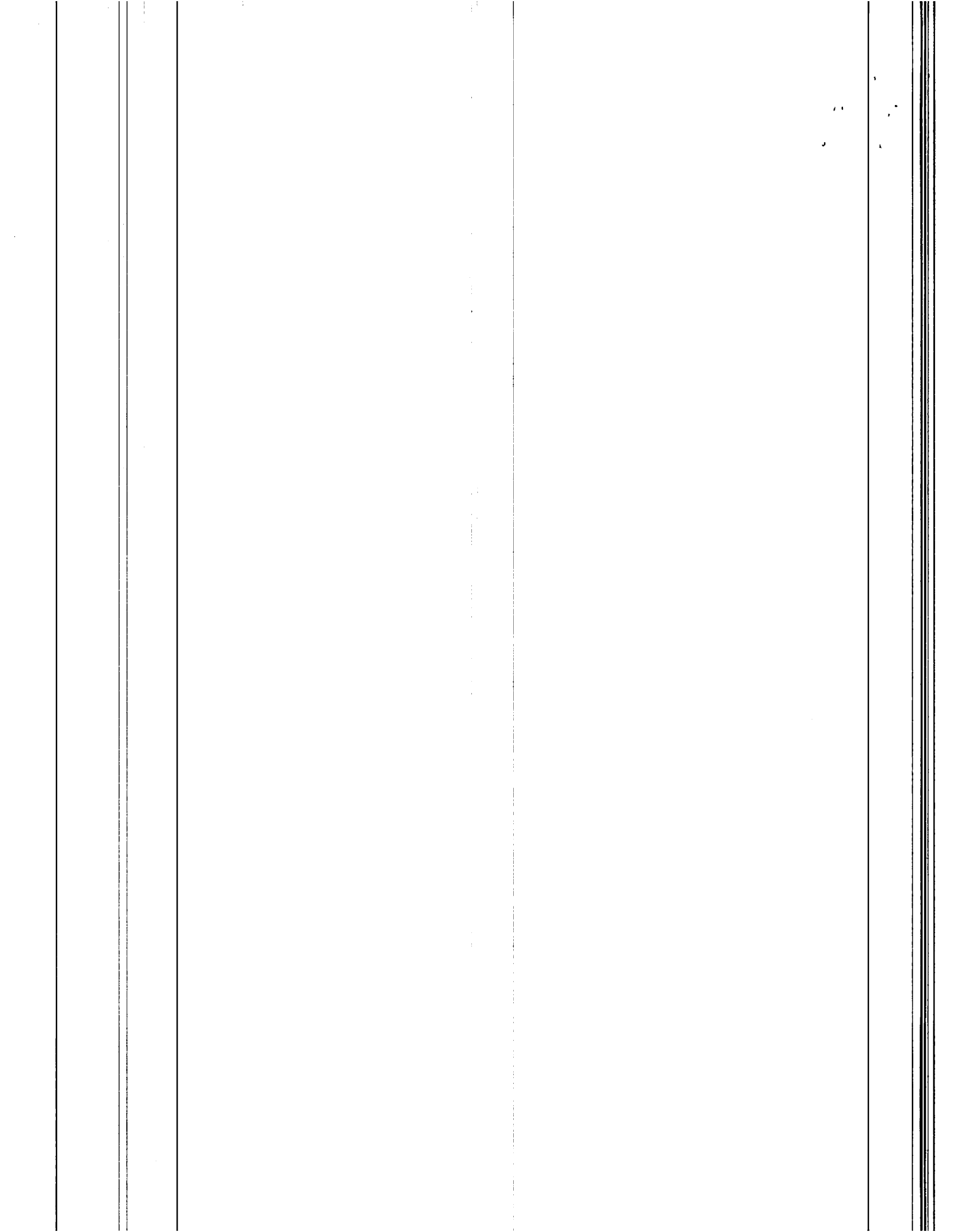
1. Instructional technology
2. NMI history/pacific institute (NMI)
3. Reading diagnostic
4. Curriculum in early childhood education
5. Guiding and nurturing young children
6. Education for parenthood
7. Safety, health and first aid for young children
8. Administration in early childhood education
9. Introduction to exceptional individual.

(E) Standard Certificate with Secondary Education Endorsement

Teacher teaching in the junior and senior high schools must complete the following courses or equivalent.

1. Instructional technology
2. NMI history/pacific institute (NMI)
3. Reading diagnostic
4. Tests and measurements
5. Methods in content area
6. 3 courses in the content area (9 credits).

(F) Standard Certificate with Library Science Endorsement



Librarians providing library services in elementary or secondary schools must complete the following courses or equivalent.

1. Instructional technology
2. NMI history/pacific institute (NMI)
3. School library administration
4. Selection, evaluation and access of school library material
5. Children literature or young adult literature
6. School library material and the curriculum
7. Technology and the school library.

(G) Standard Certificate with Bilingual Education Endorsement

1. Teachers teaching bilingual program in the elementary or secondary schools must complete the following courses or equivalent.

- i. Instructional technology
- ii. NMI history/pacific institute (NMI)
- iii. Reading diagnostic
- iv. Evaluation and assessment in bilingual
- v. Historical and philosophical foundations of bilingual
- vi. First and second language acquisition
- vii. Chamorro or Carolinian orthography.

2. Any teacher who has obtained or completed the course requirements of the specialized certificate in bilingual would only need to take the following courses:

- i Instructional technology
- ii. NMI history/pacific institute (NMI)
- iii. Reading diagnostic.

(H) Standard Certificate with School Counseling Endorsement

School counselors providing guidance and counseling services in the elementary and secondary schools must complete the following course requirements or equivalent.

1. NMI history/pacific institute
2. Dynamics of individual behavior
3. Individual and group assessment
4. Group counseling
5. Prevention and outreach
6. Career counseling and placement
7. Instructional technology.

(iii) Term

Teachers, school librarians, school counselors, and related service providers may renew the Standard Certificate every five years with submittal of the eligibility requirements. In addition, there must be proof of completion of 300 hours of seminars, workshops, or in- service training as sanctioned by PSS and/or equivalent university/college courses.

5) Professional Certificate

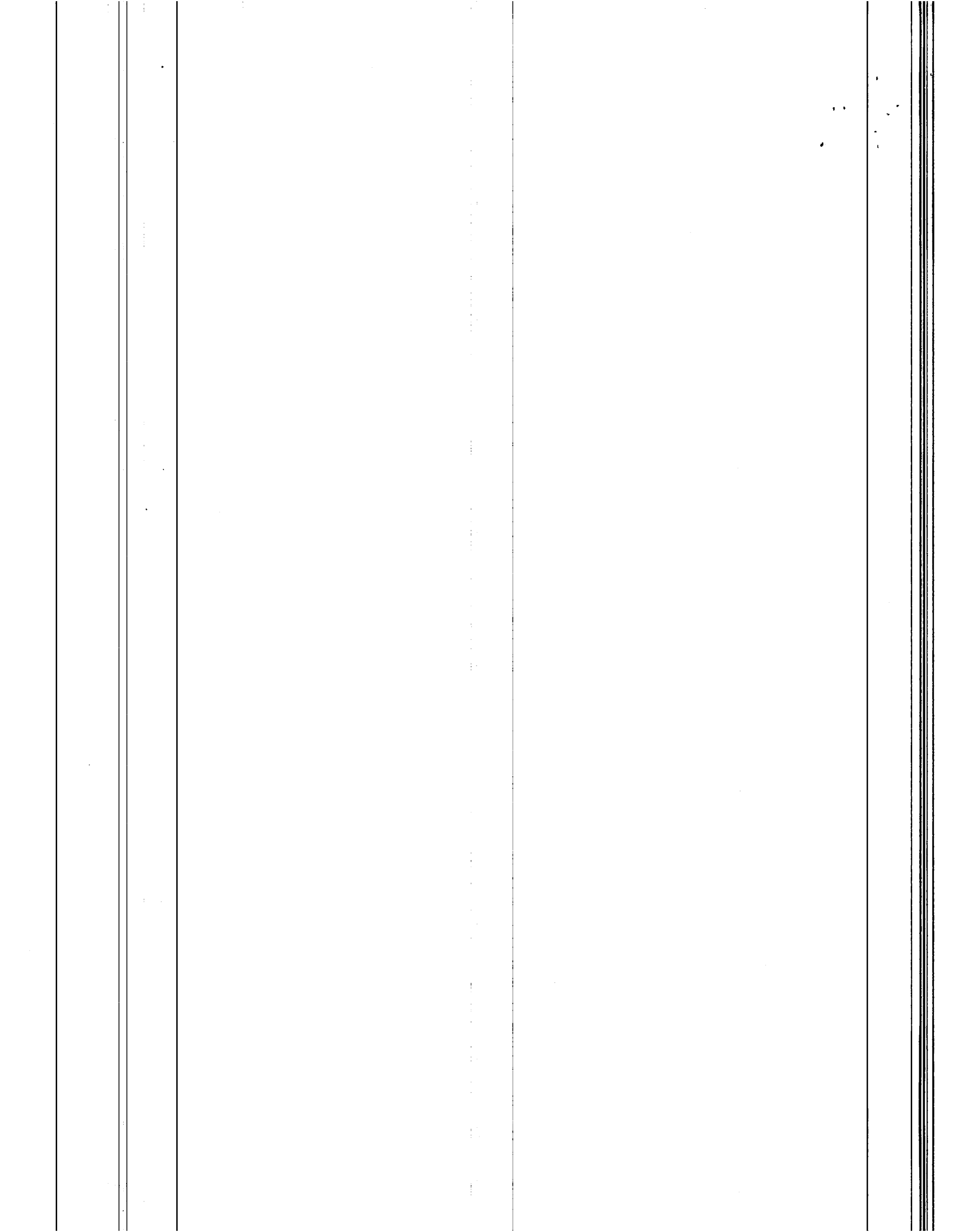
A Professional certificate is a ten-year certificate for qualified teachers, school librarians, and school counselors. Upon completion of a Standard Certificate and ten cumulative years of instructional experience, an applicant may pursue the Professional Certificate.

(ii) A Professional certificate is a ten-year certificate for qualified school administrators.

Upon completion of a Basic I Certificate and ten cumulative years of instructional experience and/or school administrator experience, an applicant may pursue the Professional Certificate.

(iii) Eligibility Requirements

(A) Meet the eligibility requirements of a Standard Certificate.



(B) Complete and signed certification application form

(C) Current recommendation letter from a supervisor or principal: the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Standard Certificate.

(D) Proof of current membership of professional education association.

(E) A copy of receipt from the CNMI PSS Treasurer for certification processing fee.

(F) Current police clearance (valid for one year).

(G) 1. For teachers, school counselors, and school librarians: Upon submission of initial application for a Professional Certificate, applicant must submit proof of completion of 300 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

2. For school administrators: Upon submission of initial application for a Professional Certificate, applicant must submit proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(H) [Valid government-issued photo identification](#)

(iv) Education; Certification Course Requirements

(A) The applicant must provide a certified copy of the transcript of courses showing satisfactory completion of a master or doctorate degree in the field of education; or a masters or doctorate degree in a specialized field area. The specialized field areas shall include any of the following for classroom teachers, librarians, school counselors, and school administrators:

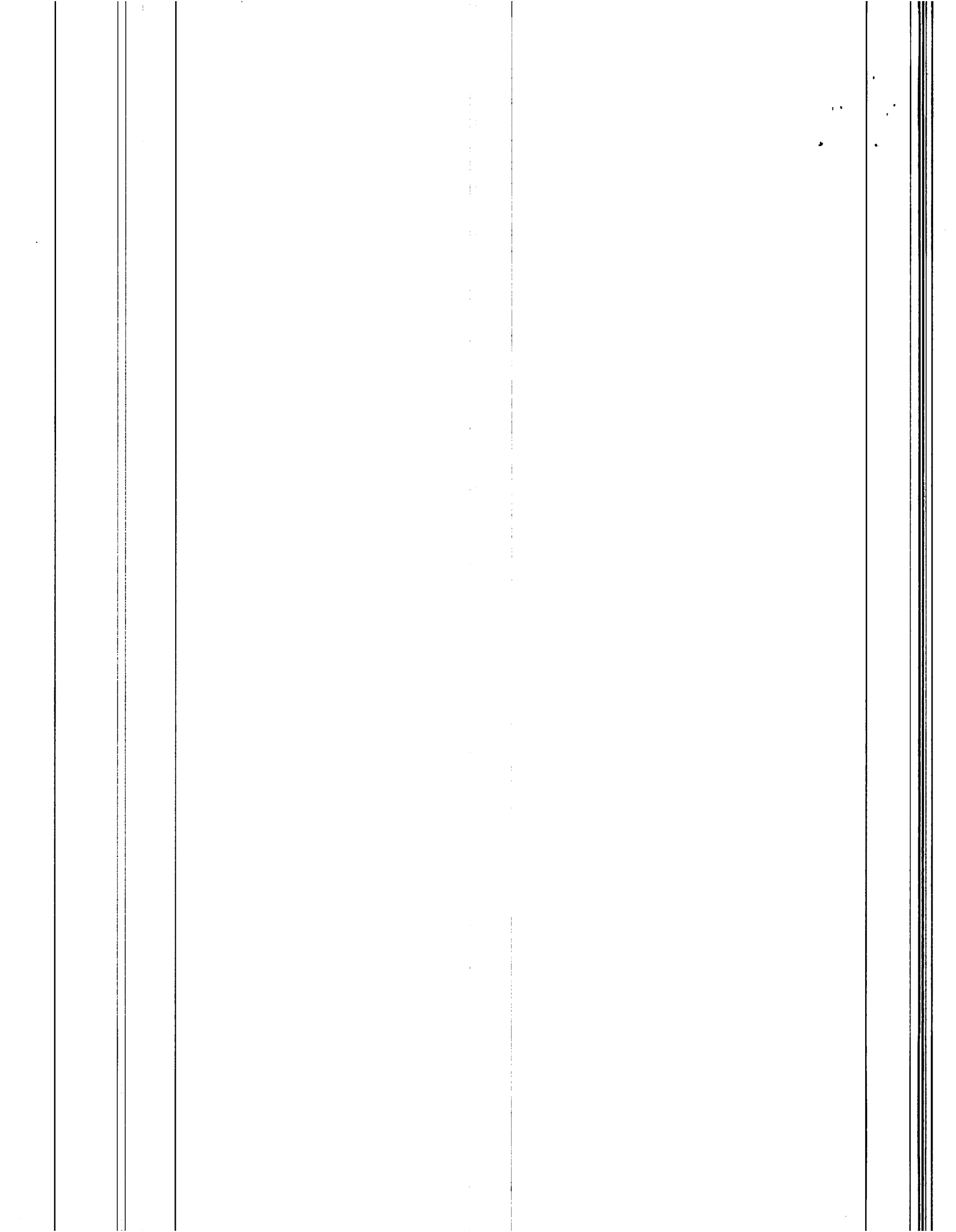
1. Secondary education masters in specialized content area
2. Special education
3. Early childhood education
4. Counseling
5. Education: administration and supervision
6. Other specialized area in education.

(B) The applicant must provide a certified copy of the transcript of courses showing satisfactory completion of a master or doctorate degree in the field of special education; or a masters or doctorate degree in a specialized field area. The specialized field areas shall include any of the following for related service providers:

1. Audiology
2. Speech language pathology
3. Physical therapy
4. Occupational therapy
5. Deaf and hard of hearing
6. Education psychologist

(C) Any school principal or school vice principal applying for the administrators' professional certificate must satisfactorily complete and submit official transcripts of the following course requirements or identified equivalent as accepted by PSS, before the expiration date of the Basic I Certificate and before the issuance of the professional certificate.

1. Introduction to school administration
2. Instructional supervision and evaluation (clinical supervision)
3. School law/education law
4. School personnel
5. School finance
6. Instructional leadership & supervision seminar
7. Facilitative leadership seminar.



(v) Term

Teachers, school librarians, school counselors, and school administrators may renew the Professional Certificate every ten years with submittal of the eligibility requirements. In addition, there must be proof of completion of 600 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

Modified, 1 CMC § 3806(), (c), (e), (), (2).

History: Amdts Adopted 41 Com. Reg. 41660 (May 28, 2019); Amdts Proposed 41 Com. Reg. 41577 (Mar. 28, 2019); Amdts Adopted 40 Com. Reg. 40575, 40579 (Mar. 28, 2018); Amdts Proposed 40 Com. Reg. 40549, 40529 (Jan. 28, 2018); Amdts Adopted 36 Com. Reg. 35893 (Dec. 28, 2014); Amdts Proposed 32 Com. Reg. 35641 (Oct. 28, 2014); Amdts Adopted 32 Com. Reg. 30635 (Sept. 22, 2010); Amdts Proposed 32 Com. Reg. 30566 (July 15, 2010); Amdts Emergency 32 Com. Reg. 30422 (June 25, 2010)(effective from June 25, 2010); Amdts Adopted 28 Com. Reg. 26282 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26104 (Aug. 24, 2006); Amdts Adopted 28 Com. Reg. 26130 (Aug. 24, 2006); Amdts Proposed 28 Com. Reg. 25606 (Apr. 17, 2006); Amdts Adopted 27 Com. Reg. 24957 (Sept. 22, 2005); Amdts Proposed 27 Com. Reg. 24670 (July 20, 2005); Amdts Adopted 27 Com. Reg. 24774 (Aug. 22, 2005); Amdts Proposed 27 Com. Reg. 24615 (June 20, 2005); Amdts Proposed Amdts Adopted 26 Com. Reg. 23026\*\* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Amdts Adopted 26 Com. Reg. 22194 (Mar. 23, 2004); Amdts Proposed 26 Com. Reg. 21670 (Jan. 22, 2004).

\*\*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: [Historical codification comments removed.]

See also the commission comment to § 60-30.2-201.

**§ 60-30.2-227 Types of Certification and Requirements: Alternative Levels**

The Commonwealth shall have three alternative levels of certification for professionals in the field of education: Instructor I, Instructor II, and Instructor III.

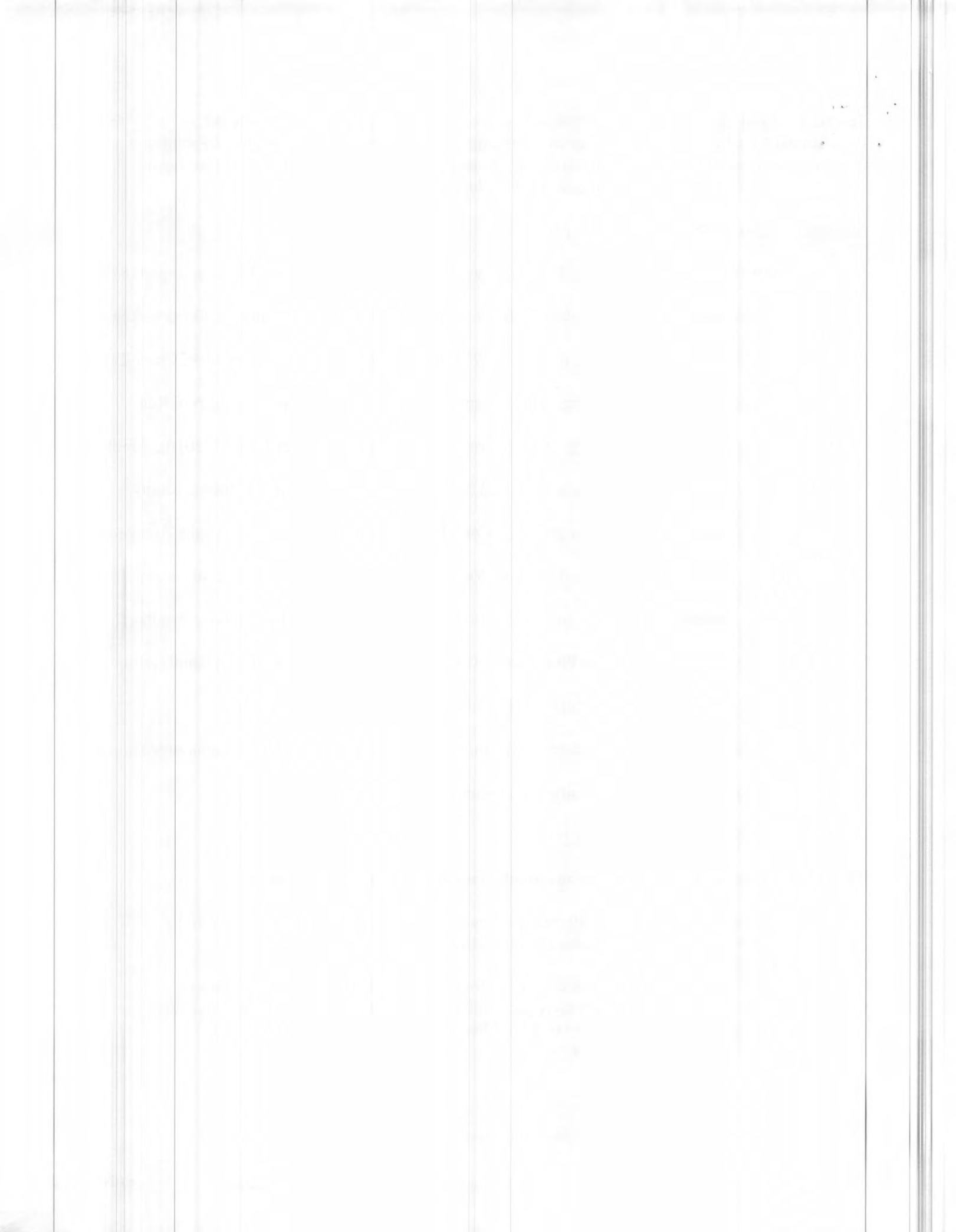
(a) Instructor I Certificate

An Instructor I Certificate is a two-year certificate for instructors in the following programs: Chamorro and Carolinian Language & Heritage Studies (CCLHS), Career Technical Education (CTE), Early Childhood Education Infants & Toddlers (ECE-IT), and Early Childhood Education Pre-Kindergarten (ECE-PK).

1) Eligibility Requirements

(i) CCLHS Instructor I

(A) Complete and signed certification application form



(B) FBI Fingerprint Submission and current police clearance (valid for one year)  
(C) Receipt from the CNMI PSS Treasurer for certification processing fee  
(D) High school diploma or equivalent, 3-24 college credits, and at least two years of related work experience or; High school diploma or equivalent, certification from PSS Board appointed Advisory Panel, and at least three years of related content experience or; High school diploma or equivalent, certification from PSS Board appointed Advisory Panel, and professional portfolio in Chamorro or Carolinian content.

(E) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor I Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor I Certificate.

**(F) Valid government-issued photo identification**

(ii) CTE Instructor I

(A) Complete and signed certification application form  
(B) FBI Fingerprint Submission and current police clearance (valid for one year)  
(C) Receipt from the CNMI PSS Treasurer for certification processing fee  
(D) High school diploma or equivalent, 3-24 college credits, and at least two years of related work experience.

(E) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor I Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor I Certificate.

**(F) Valid government-issued photo identification**

(iii) ECE-IT Instructor I

(A) Complete and signed certification application form  
(B) FBI Fingerprint Submission and current police clearance (valid for one year)  
(C) Receipt from the CNMI PSS Treasurer for certification processing fee  
(D) High school diploma or equivalent, 24 college credits, and one year of related work experience.

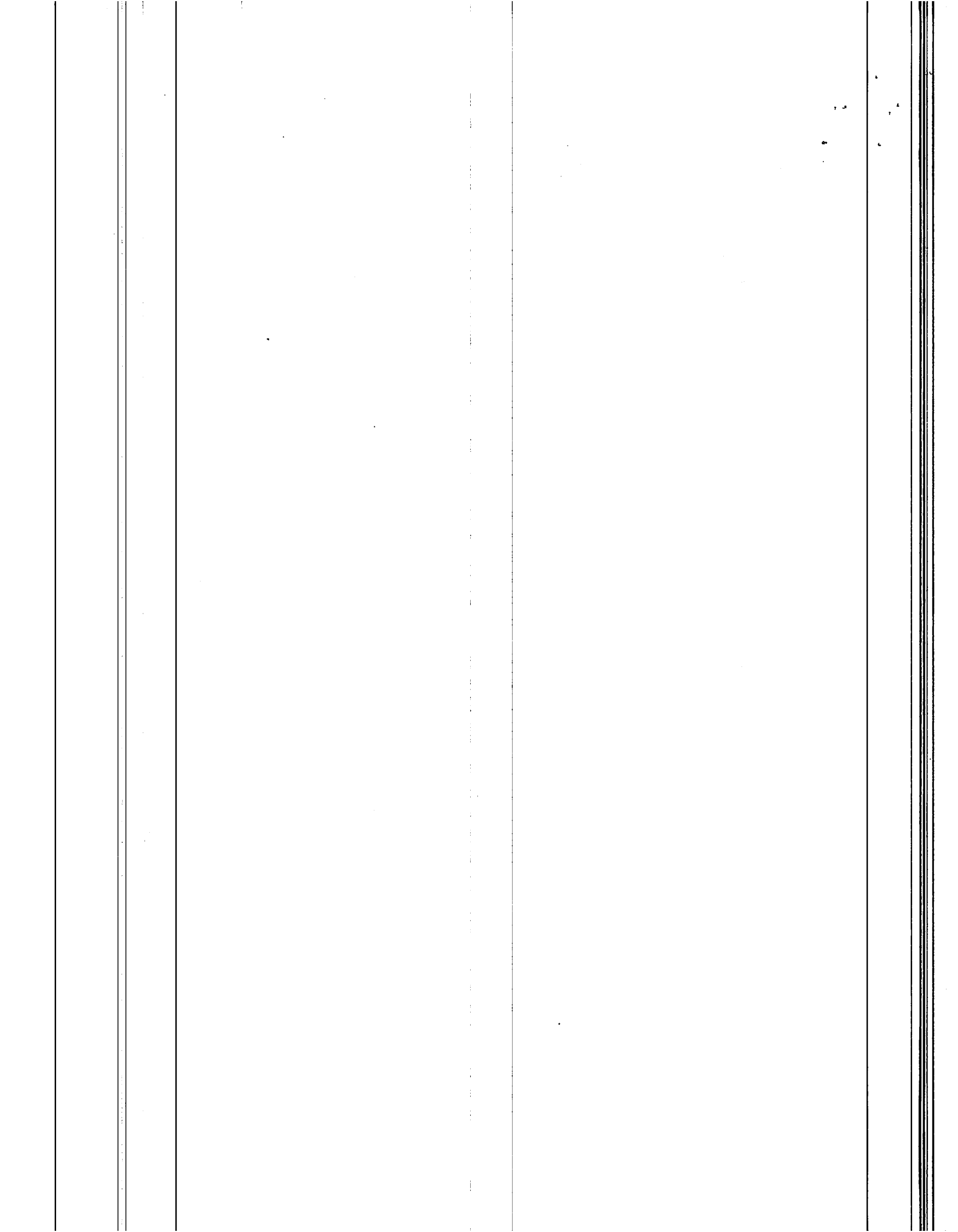
(E) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor I Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor I Certificate.

**(F) Valid government-issued photo identification**

(iv) ECE-PK Instructor I

(A) Complete and signed certification application form  
(B) FBI Fingerprint Submission and current police clearance (valid for one year)  
(C) Receipt from the CNMI PSS Treasurer for certification processing fee  
(D) High school diploma or equivalent, 24 college credits, and proof of passing Praxis II in Early Childhood or; High school diploma or equivalent, proof of passing Praxis I, and at least two years of Teacher Aide experience.

(E) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor I Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor I Certificate.



(F) Valid government-issued photo identification

2) Term

The Instructor I Certificate is invalid after its expiration date and shall be renewable. The Instructor I Certificate may be renewed an unlimited number of times repeating the eligibility requirements every two years with proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(b) Instructor II

An Instructor II Certificate is a four-year certificate for instructors in the following programs: Chamorro and Carolinian Language & Heritage Studies (CCLHS), Career Technical Education (CTE), Early Childhood Education Infants & Toddlers (ECE-IT), and Early Childhood Education Pre-Kindergarten (ECE-PK).

1) Eligibility Requirements

(i) CCLHS Instructor II

(A) Meet the eligibility requirements of an Instructor I Certificate

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) High school diploma or equivalent, five years of related teaching experience, and Chamorro or Carolinian Content Knowledge Test (CCLHS Test) or; AA degree, three years of teaching experience, and Chamorro or Carolinian Content Knowledge Test (CCLHS Test).

(F) Before the expiration date of the Instructor I Certificate and before the issuance of the Instructor II Certificate, any applicant applying for the Instructor IT Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Introduction to Teaching
2. Classroom Management
3. Instruction in Planning and Assessment for Diverse Classrooms
4. Multicultural Education/ Teaching Linguistically Diverse Students
5. Chamorro or Carolinian Orthography
6. Instructional Technology
7. First and Second Language Acquisition
8. Inclusive Practices for Students with Special Needs

(G) Upon submission of initial application for an Instructor II Certificate, applicant must submit proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(H) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor II Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor II Certificate.

(I) Valid government-issued photo identification

(ii) CTE Instructor II

(A) Meet the eligibility requirements of an Instructor I Certificate

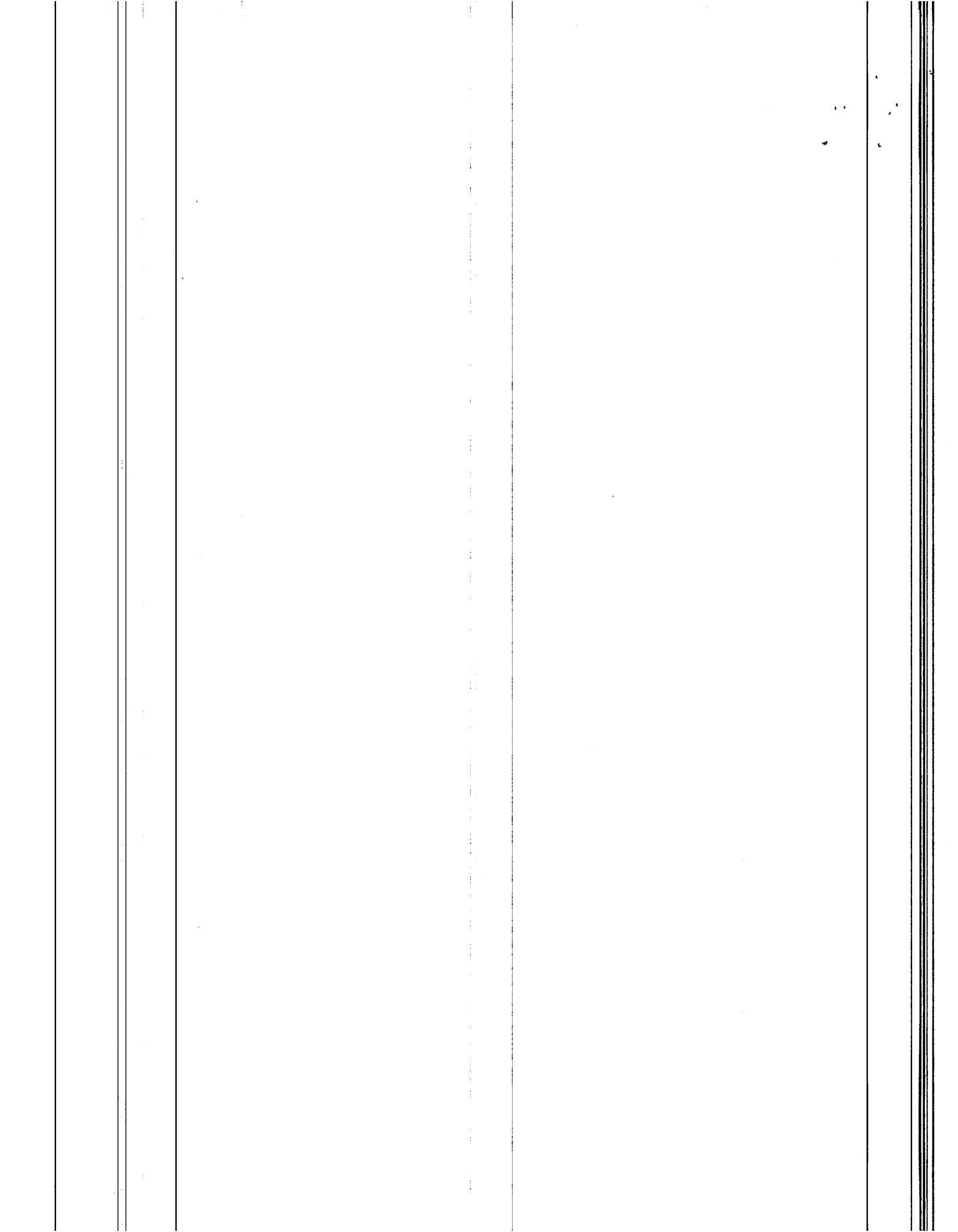
(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) High school diploma or equivalent and four years of teaching experience or; AA degree and two years of teaching experience.

(F) Before the expiration date of the Instructor I Certificate and before the issuance of the



Instructor II Certificate, any applicant applying for the Instructor II Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Introduction to Teaching
2. Classroom Management
3. Instruction in Planning and Assessment for Diverse Classrooms
4. Multicultural Education/ Teaching Linguistically Diverse Students
5. Instructional Technology
6. Instructional Strategies
7. Inclusive Practices for Students with Special Needs

(G) Upon submission of initial application for an Instructor II Certificate, applicant must submit proof of completion of 120 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(H) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor II Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor II Certificate.

**(I) Valid government-issued photo identification**

(iii) ECE-IT Instructor II

(A) Meet the eligibility requirements of an Instructor I Certificate

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

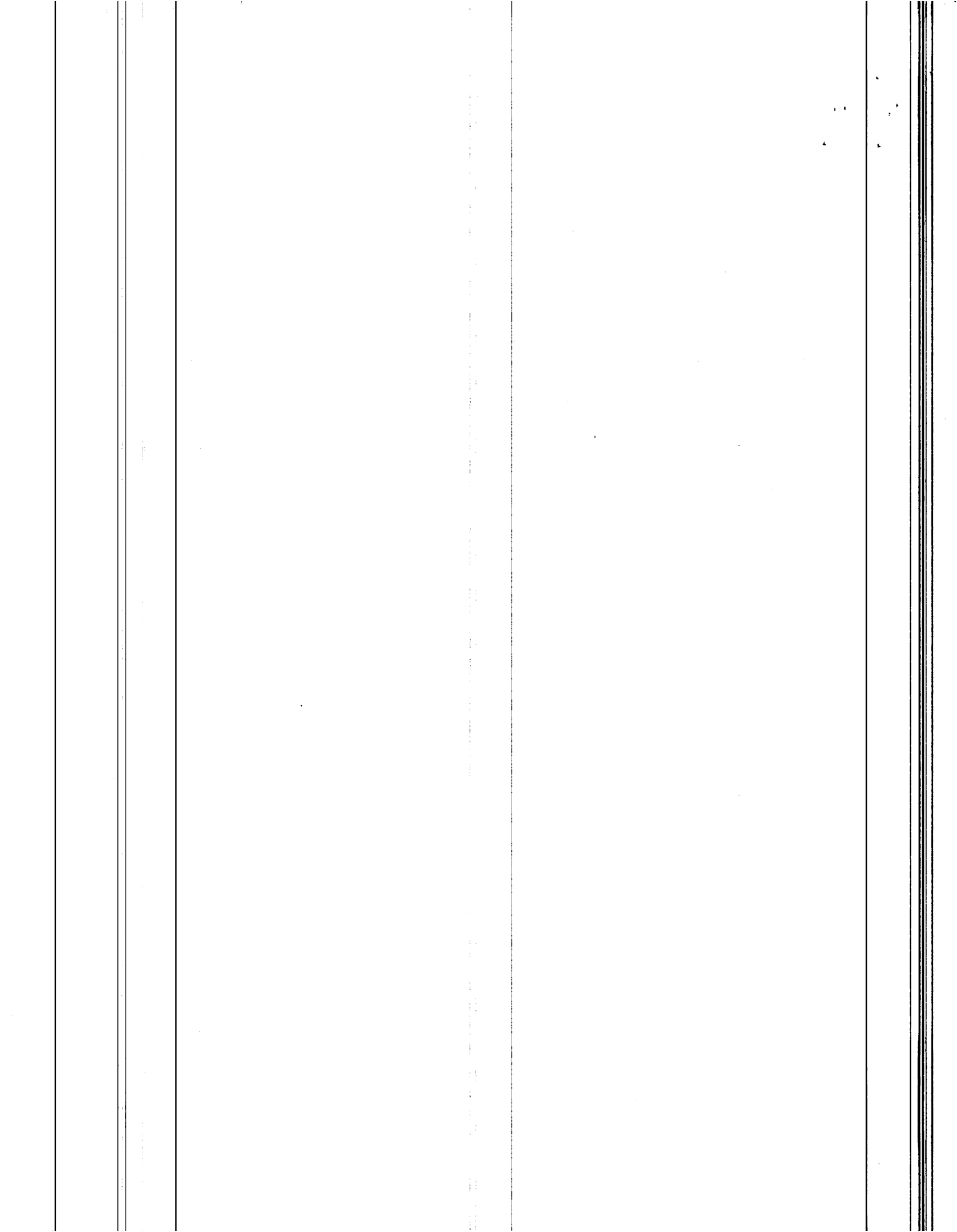
(E) AA degree, two years of related work experience, and proof of passing Praxis II in Early Childhood or; Possess Infant Toddler Child Development Associates (CDA) credential or coursework equivalent, one year of related work experience, and proof of passing Praxis II in Early Childhood.

(F) Before the expiration date of the Instructor I Certificate and before the issuance of the Instructor IT Certificate, any applicant applying for the Instructor II Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Managing health and safety
2. Toddlers and Preschoolers
3. Infant in child care
4. Toddler in child care
5. Child Development and guidance
6. Parents and child care
7. The Early Childhood Professional
8. Observing, recording and assessing children's development
9. Principles of child development and learning

\*Coursework equivalent to a major relating to early childhood education includes but is not limited to course that focus on child development, early childhood education and curriculum, early childhood teaching and assessment, psychology, family development, health and physical development, mathematics, science, and children's literature. Such courses may be offered in various departments such as Education, Home Economics, Music, Art, Library Science, Physical Education and Recreation, Psychology, Family studies, and others.

(G) Upon submission of initial application for an Instructor II Certificate, applicant must submit proof of completion of one hundred (120)" hours of seminars, workshops, or in-service



training as sanctioned by PSS and/or equivalent university/college courses.

[\* So in original]

(H) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor II Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor II Certificate.

(I) Valid government-issued photo identification

(iv) ECE-PK Instructor II

(A) Meet the eligibility requirements of an Instructor I Certificate

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) AA degree, two years of related work experience, and proof of passing Praxis II in Early Childhood

(F) Before the expiration date of the Instructor I Certificate and before the issuance of the Instructor IT Certificate, any applicant applying for the Instructor IT Certificate must submit an official transcript showing satisfactory completion of the required courses or equivalent, or a certificate of completion of the following course requirements:

1. Introduction to Teaching
2. Classroom Management
3. Instruction in Planning and Assessment for Diverse Classrooms
4. Multicultural Education/ Teaching Linguistically Diverse Students
5. Instructional Technology
6. Instructional Strategies
7. Inclusive Practices for Students with Special Needs

\*Coursework equivalent to a major relating to early childhood education includes but is not limited to course that focus on child development, early childhood education and curriculum, early childhood teaching and assessment, psychology, family development, health and physical development, mathematics, science, and children's literature. Such courses may be offered in various departments such as Education, Home Economics, Music, Art, Library Science, Physical Education and Recreation, Psychology, Family studies, and others.

(G) Upon submission of initial application for an Instructor II Certificate, applicant must submit proof of completion of one hundred (120)" hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

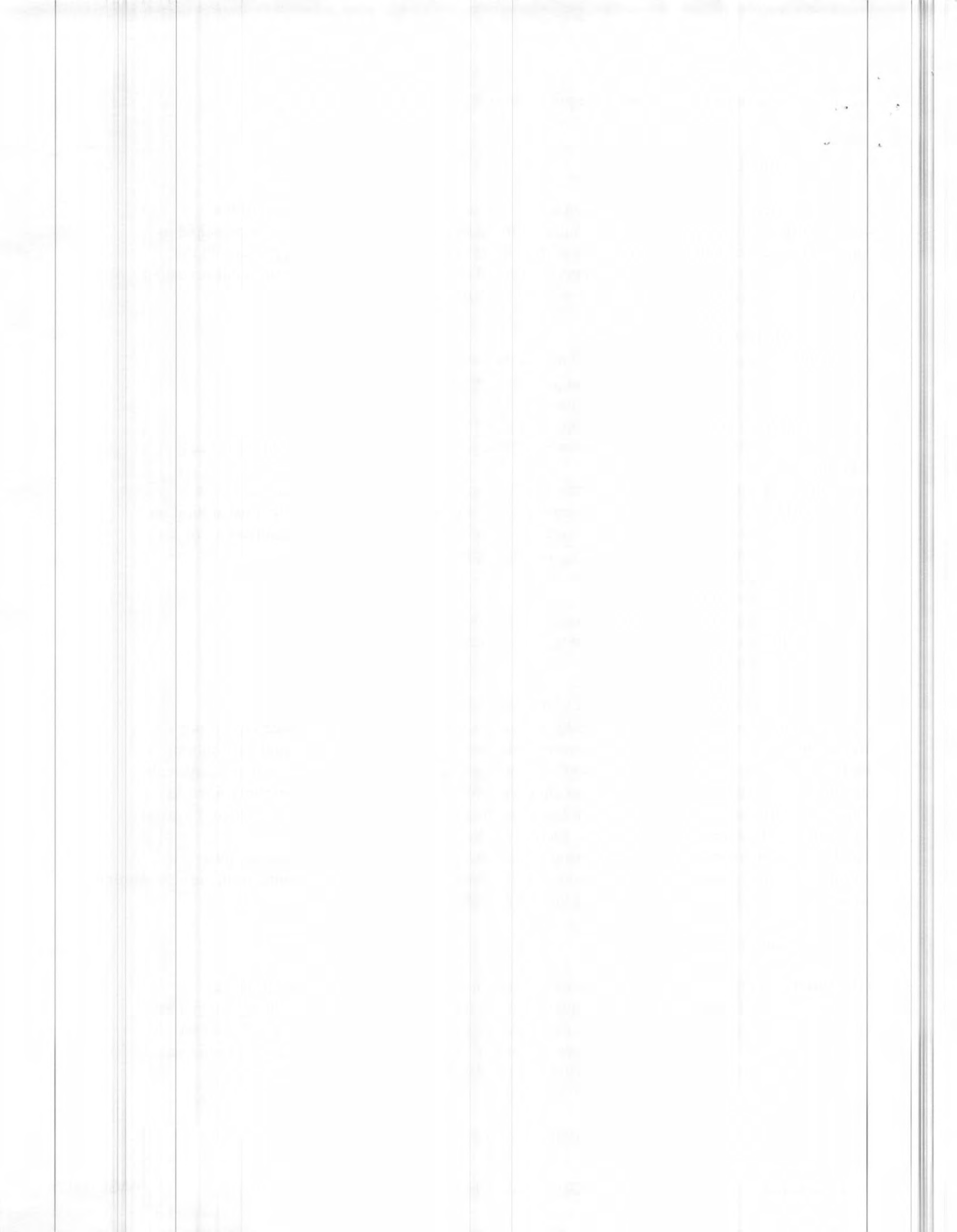
[\* So in original]

(H) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor II Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor II Certificate.

(I) Valid government-issued photo identification

2) Term

The Instructor II Certificate is invalid after its expiration date and shall be renewable. The



Instructor II certificate may be renewed an unlimited number of times repeating the eligibility requirements every two years with proof of completion of 240 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(c) Instructor III

An Instructor III Certificate is a six-year certificate for instructors in the following programs: Chamorro and Carolinian Language & Heritage Studies (CCLHS), Career Technical Education (CTE), Early Childhood Education Infants & Toddlers (ECE-IT), and Early Childhood Education Pre-Kindergarten (ECE-PK).

1) Eligibility Requirements

6) CCLHS Instructor III

(A) Meet the eligibility requirements of an Instructor II Certificate

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) Bachelor's degree and six years of relevant teaching experience

(F) Upon submission of initial application for an Instructor III Certificate, applicant must submit proof of completion of 240 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(G) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor IIT Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor III Certificate.

[\(H\) Valid government-issued photo identification](#)

(ii) CTE Instructor III

(A) Meet the eligibility requirements of an Instructor II Certificate

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) Bachelor's degree and six years of relevant teaching experience or; State/National Industry certification related to and aligned with the CTE content, verified by original or notarized copy, and six years of relevant teaching experience or; 10 years of verifiable industry experience and/or teaching experience related to and aligned with the CTE content.

(F) Upon submission of initial application for an Instructor III Certificate, applicant must submit proof of completion of 240 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(G) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor IIT Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor III Certificate.

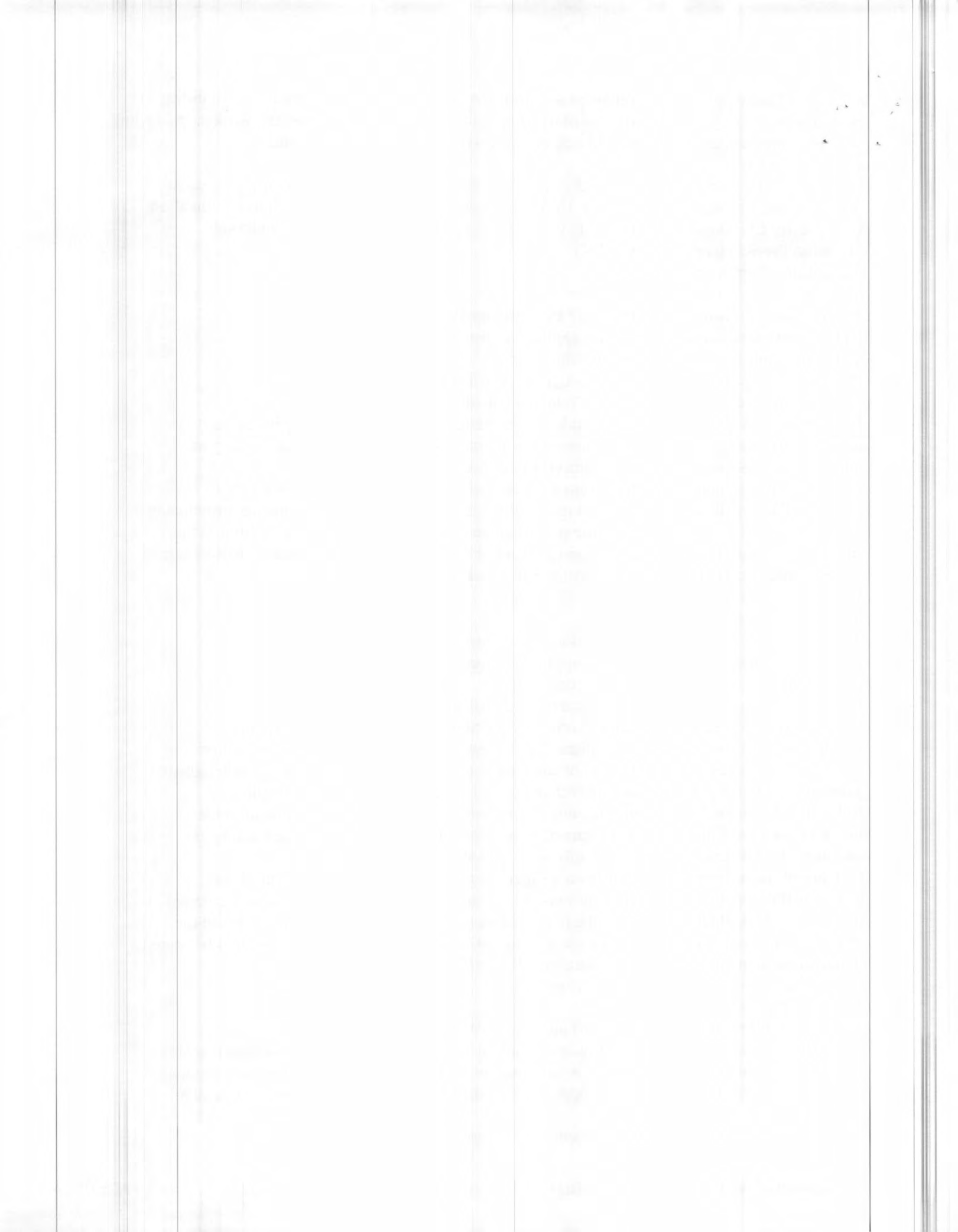
[\(H\) Valid government-issued photo identification](#)

(iii) ECE-IT Instructor III

(A) Meet the eligibility requirements of an Instructor II Certificate

\*According to the Head Start Performance Standard 1302.91(c)(1) EHS center-based teachers qualification requirement should have a minimum of a CDA credential or comparable credential, and have trained or have equivalent coursework in (ECE) with a focus on infant and toddler development.

(B) Complete and signed certification application form



- (C) Current police clearance (valid for one year)
- (D) Receipt from the CNMI PSS Treasurer for certification processing fee
- (E) Bachelor's degree and six years of relevant teaching experience.
- (F) Upon submission of initial application for an Instructor III Certificate, applicant must submit proof of completion of 240 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.
- (G) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor III Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor III Certificate.

**(H) Valid government-issued photo identification**

(iv) ECE-PK Instructor III

(A) Meet the eligibility requirements of an Instructor II Certificate

\*According to the Head Start Performance Standard 1302.91(e)(2)(i)(ii) 50% Head Start teachers nationwide must have a BA degree in child development, ECE or equivalent coursework. That all Head Start center based teachers have at least an AA or BA degree in child development or ECE, equivalent course work or meeting the requirement section of Head Start Act 648(a)(3)(B).

(B) Complete and signed certification application form

(C) Current police clearance (valid for one year)

(D) Receipt from the CNMI PSS Treasurer for certification processing fee

(E) Bachelor's degree and six years of relevant teaching experience.

(F) Upon submission of initial application for an Instructor III Certificate, applicant must submit proof of completion of 240 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

(G) Current recommendation letter from a supervisor or principal: Upon renewal of the Instructor III Certificate, the applicant must submit a recommendation from his/her principal or supervisor, which shall be based on the performance evaluation of the employee. Should the employee's performance evaluation meet a rating of satisfactory or above, he/she shall be issued a letter of recommendation for the Instructor III Certificate.

**(H) Valid government-issued photo identification**

2) Term

The Instructor III Certificate is invalid after its expiration date and shall be renewable. The Instructor III Certificate may be renewed an unlimited number of times repeating the eligibility requirements every six years with proof of completion of 360 hours of seminars, workshops, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

Modified, 1 CMC § 3806(a), (e), (g)-

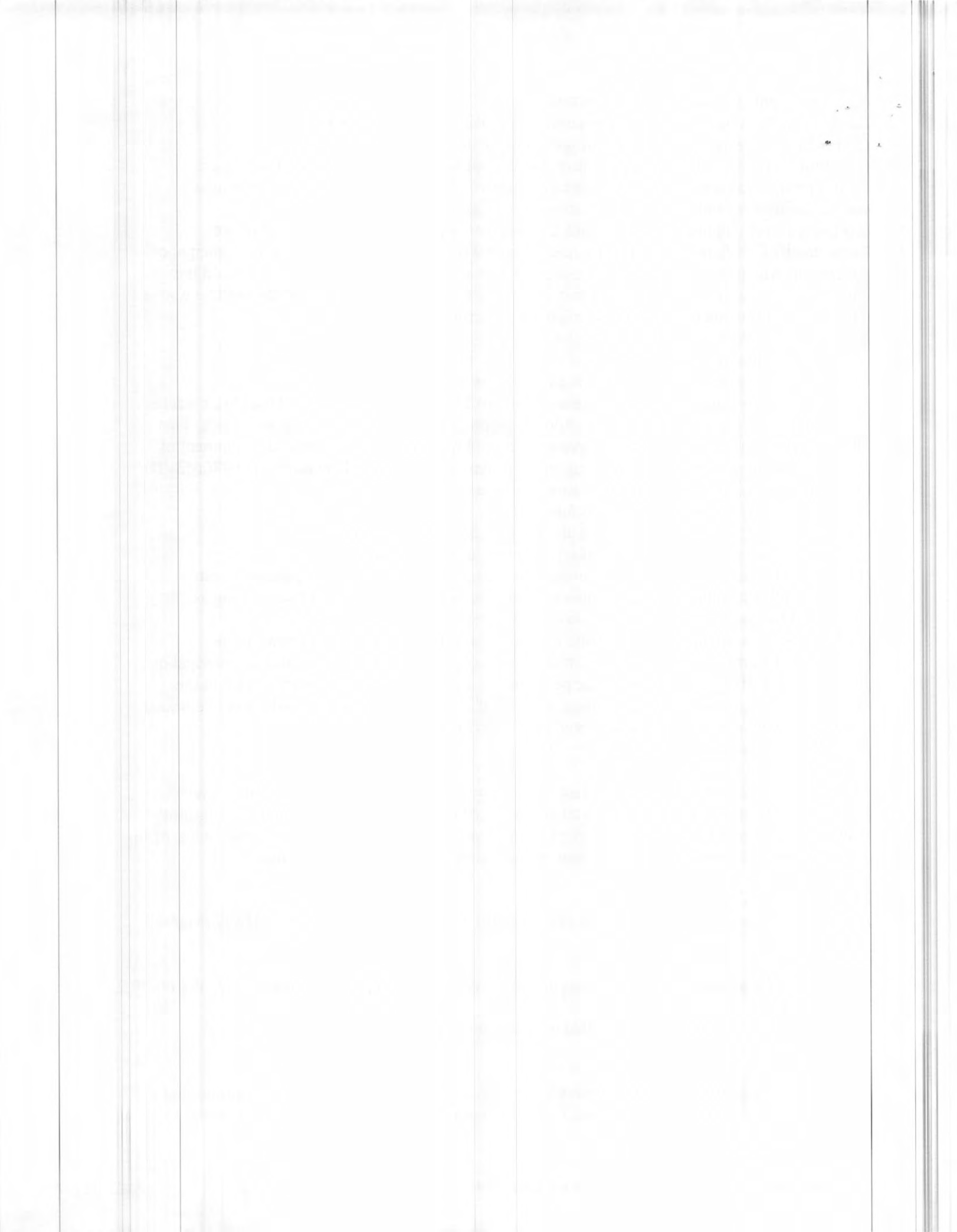
History: Adopted 41 Com. Reg. 41660 (May 28, 2019); Proposed 41 Com. Reg. 41577 (Mar. 28, 2019).

Commission Comment: This section was originally proposed as a new subsection "(c)" of § 60-30.2-225. Due to its

lengthy nature, the Commission codified it as its own section.

§ 60-30.2-230 Burden of Proof

The Board of Education or Certification Officer may request additional proof of eligibility before making any certification determination. The burden of providing requested documentation is on the applicant.



The applicant is given thirty calendar days from the Certification Officer's written notice to provide requested documentation. The applicant is solely responsible for communicating with necessary departments and/or agencies in obtaining their own documents.

Failure to submit requested documentation within 60 calendar days from the Certification Officer's written notice will result in denial of application. Thereafter, incomplete application packets will be destroyed and the applicant will need to submit a new application packet, including supporting documents.

History: Amdts Adopted 41 Com. Reg. 41660 (May 28, 2019); Amdts Proposed 41 Com. Reg. 41577 (Mar. 28, 2019); Amdts Adopted 28 Com. Reg. 26282 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26104 (Aug. 24, 2006); Amdts Adopted 26 Com. Reg. 23026\*\* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Amdts Adopted 26 Com. Reg. 22194 (Mar. 23, 2004); Amdts Proposed 26 Com. Reg. 21670 (Jan. 22, 2004).

\*\*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: See the commission comment to § 60-30.2-201.

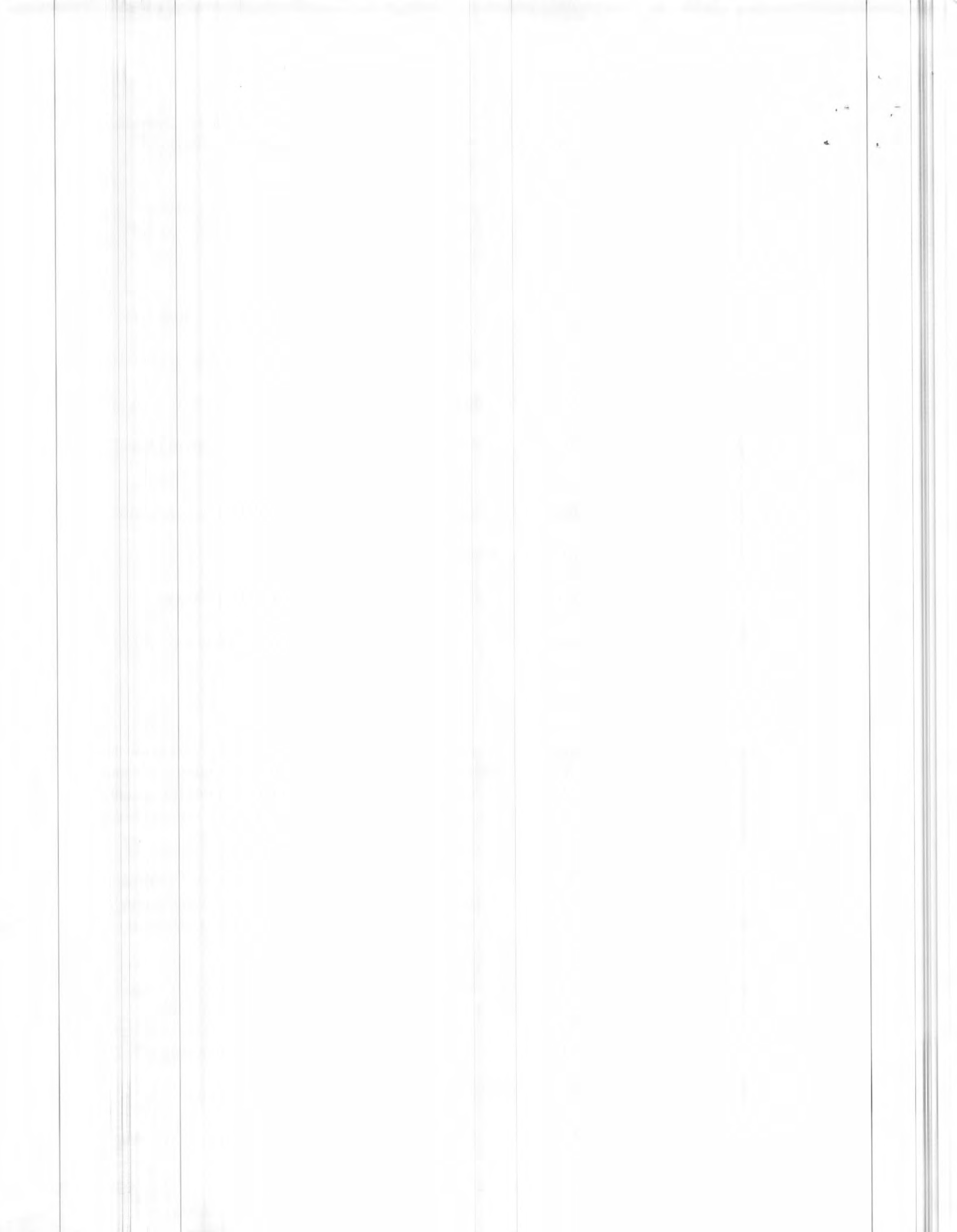
In 2006, this section was repromulgated in its entirety without modification when the Board of Education adopted amendments to sections § 60-30.2-210 through § 60-30.2-225 and § 60-30.2-240 through § 60-30.2-245.

#### § 60-30.2-235 Renewal or Re-application

~~An applicant applying for a new certificate or the renewal of a prior certificate~~ All applicants (new and renewing) must comply with the procedures ~~set out in this part~~ established as though applying for the first time. ~~-, except that the~~ However, the Certification Officer may waive the submission of documents if they remain, ~~which are already~~ on file and ~~which do not need to be updated~~ require no updating (e.g. college transcripts).

An applicant who fails to complete their application packet within 60 calendar days of the Certification Officer's written notice will be required to re-apply and resubmit all documents. The original payment for the certification processing fee will not be refunded, and the applicant will be required to submit a new payment.

The applicant may be refunded only if a request to cancel the application is sent within 60 calendar days of the Certification Officer's written notice. The request must be addressed in writing to the Certification Officer. The Certification Officer shall forward the request to the CNMI PSS Treasurer.  
History: Amdts Adopted 41 Com. Reg. 41660 (May 28, 2019); Amdts Proposed 41 Com. Reg. 41577 (Mar. 28, 2019); Amdts Adopted 28 Com. Reg. 26282 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26104 (Aug. 24, 2006); Amdts Adopted 26 Com. Reg. 23026\*\* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug.



26, 2004);  
Amdts Adopted 26 Com. Reg. 22194 (Mar. 23, 2004); Amdts Proposed 26 Com. Reg. 21670 (Jan. 22, 2004).

\*\*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: See the commission comment to § 60-30.2-201.

In 2006, this section was repromulgated in its entirety without modification when the Board of Education adopted amendments to sections § 60-30.2-210 through § 60-30.2-225 and § 60-30.2-240 through § 60-30.2-245.

#### § 60-30.2-240 Certification Decision

(a) The Board of Education shall appoint a Certification Officer. The Certification Officer shall act on behalf of the Board of Education for certification decisions.

(b) The Certification Officer shall render a decision on an application for a Specialized, Basic I, Basic II, Instructor I, Instructor II, Instructor III, Standard, or Professional certificate within thirty calendar days of receiving a completed application. The employee/applicant will be notified and the decision shall take effect immediately.

(c) In the case of the denial of a certificate, the decision shall be placed in writing. It shall give written notice of the reasons for denial by citing the requirement(s) not met and explaining the evidence against the applicant.

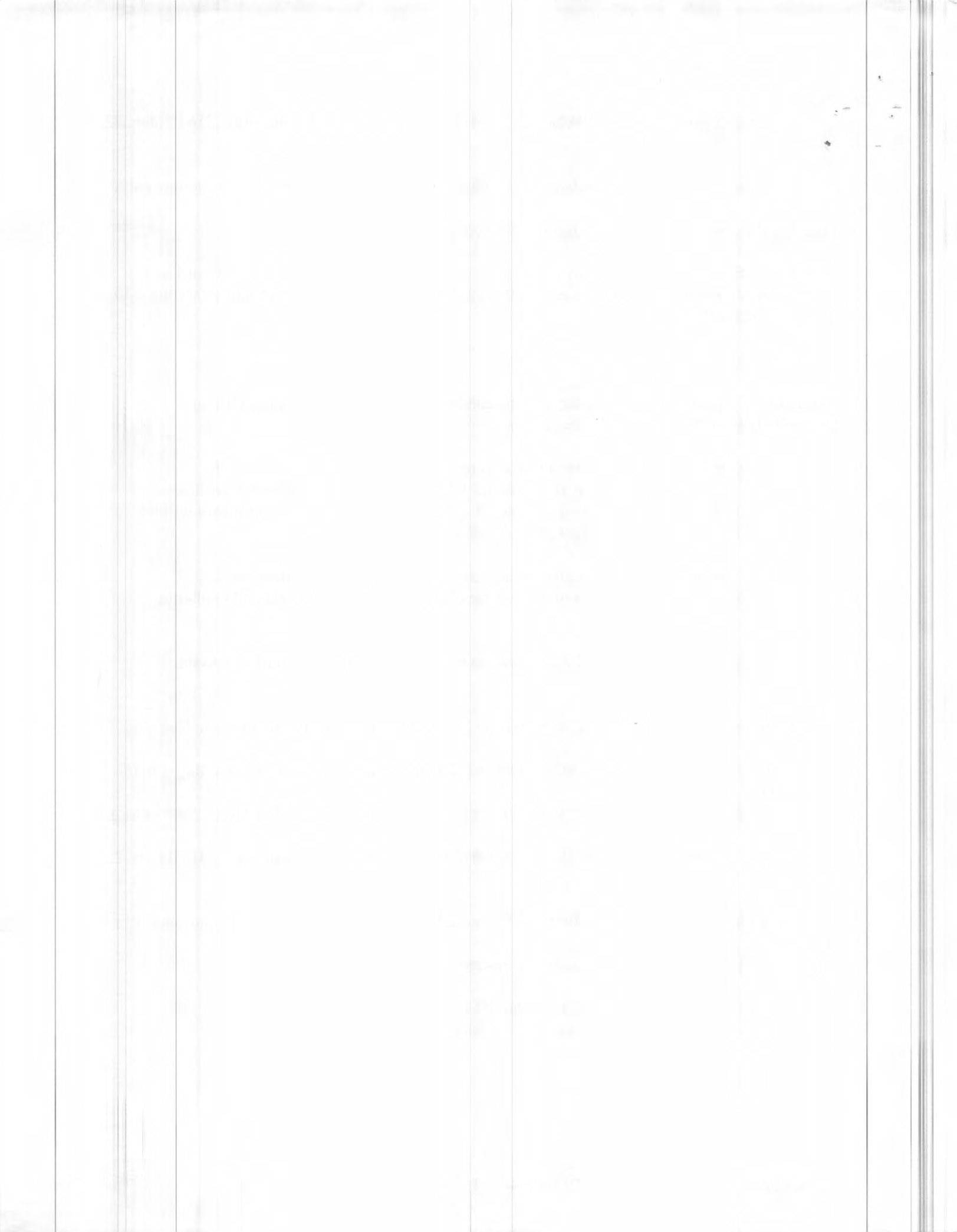
(d) The denial of any application may be appealed to the Board of Education pursuant to the hearing procedures set forth herein.

History: Amdts Adopted 41 Com. Reg. 41660 (May 28, 2019); Amdts Proposed 41 Com. Reg. 41577 (Mar. 28, 2019); Amdts Adopted 28 Com. Reg. 26282 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26104 (Aug. 24, 2006); Amdts Adopted 26 Com. Reg. 23026\*\* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Amdts Adopted 26 Com. Reg. 22194 (Mar. 23, 2004); Amdts Proposed 26 Com. Reg. 21670 (Jan. 22, 2004).

\*\*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: See the commission comment to § 60-30.2-201.

The 2006 amendments changed “basic” to “basic II” in subsection (b).  
§ 60-30.2-245 Revocation and Suspension of Certificates





# 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

Vacant  
Chairperson

Maisie B. Tenorio  
Vice-Chairperson

Gregory P. Borja  
Secretary/Treasurer

Andrew L. Orsini  
Member

Antonio L. Borja  
Member

### Non-Voting Members

Dora B. Miura, PhD  
Teacher Representative

Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## NUTISIAN PUPBLIKU PUT I MANMAPRONI NA AREKLAMENTU YAN REGULASION NI MANMA'AMENDA PARA AREKLAMENTU YAN REGULASION SIHA PUT I PÁTTIN 60-30 GI AREKLAMENTU YAN REGULASION I SISTEMAN ISKUELAN PUPBLIKU

**I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I** Commonwealth gi Sangkattan na Islas Mariãnas Sistemán Iskuelan Pupblíku (“PSS”) ha sodda’ na:

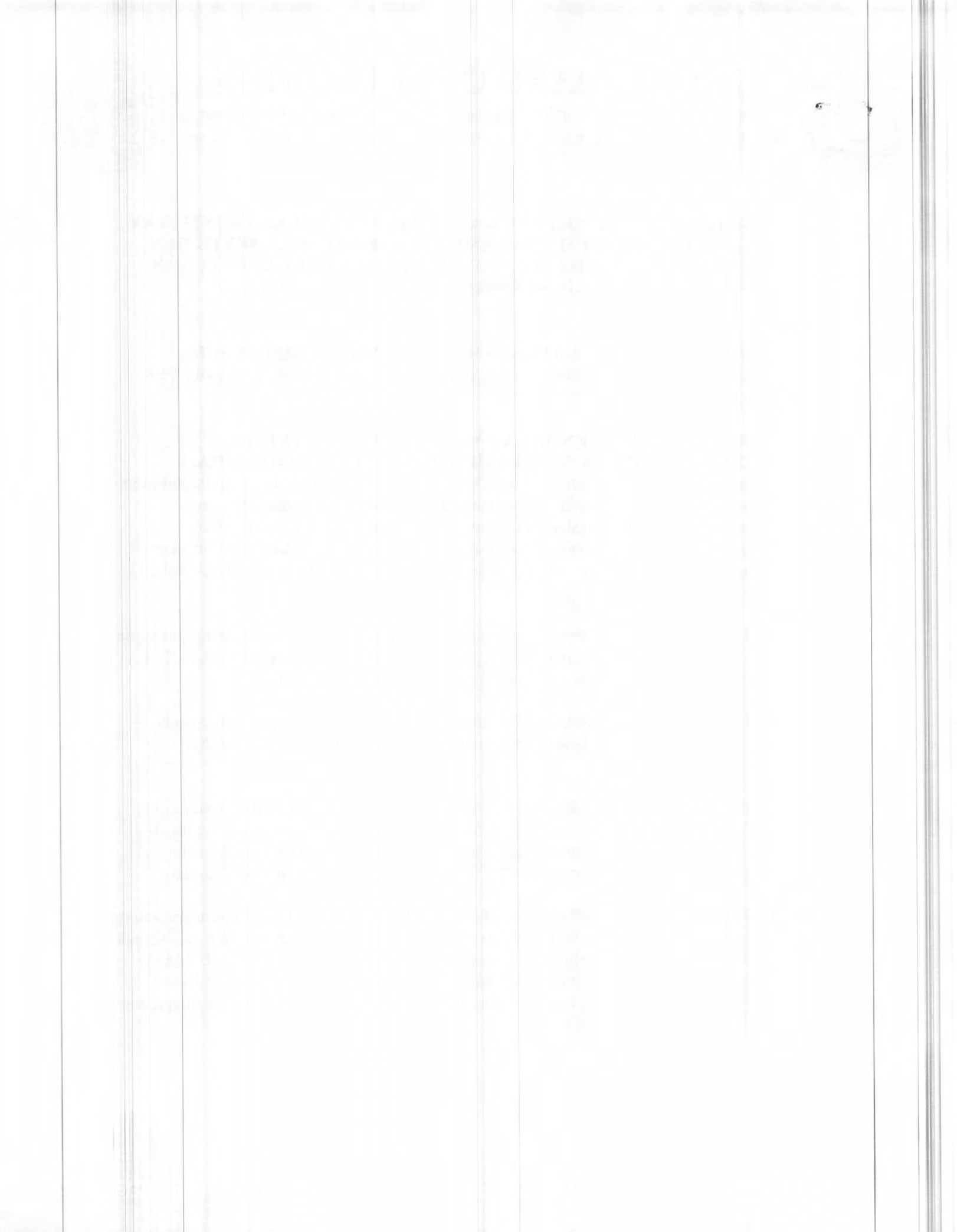
**I AKSION NI MA’INTENSIONA PARA U MA’ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I** Commonwealth gi Sangkattan na Islas Mariãnas Siha, i Sistemán Iskuelan Pupblíku ha intensiona para u adápta komu petmanienti i regulasion siha i mañechettun na Manmapropóni na Regulasion siha, sigun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

**ÁTURIDÁT:** I manmapropóni na amenda siha gi 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 Administrative Procedures giya CNMI.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmapropóni na amenda pumega mo’na para u pribeniya i maneran giniha para PSS § 60-30.2 Pátti 200 Setifikasió

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA:** I Mapropóni na Regulasion pumega mo’na i regulasion yan i manera ni manisissita para § 60-30.2-225 Klásin Setifikasió yan Ginagãogão para §60-30.2-227 Klásin Setifikasió yan Ginagãogão siha: “Alternative Levels,” §60-30.2-235 Rinuebu pat Talun Aplika

**DIREKSION PARA U MAPO’LU YAN PUPBLIKASION:** Esti i Manmapropóni na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona ni manmapropóni 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 linguáhin natibu. (1 CMC § 9104(a)(1))





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Teacher Representative

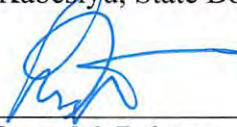
Ronald E. Snyder, EdD  
Non Public School Rep.


Jane Nicole Mozunder  
Student Representative

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

Esti na regulasion ginen maninaprueba gi Huntan i State Board of Education gi Ineru 19, 2024.


Nina'hálum as:  07.19.24  
Maisie B. Tenorio  
Kabesiyu, State Board of Education  
Fetcha

Rinisibi as:  7/24/24  
Oscar M. Babauta  
Ispisiát Na Ayudántin I Atministrasion  
Fetcha

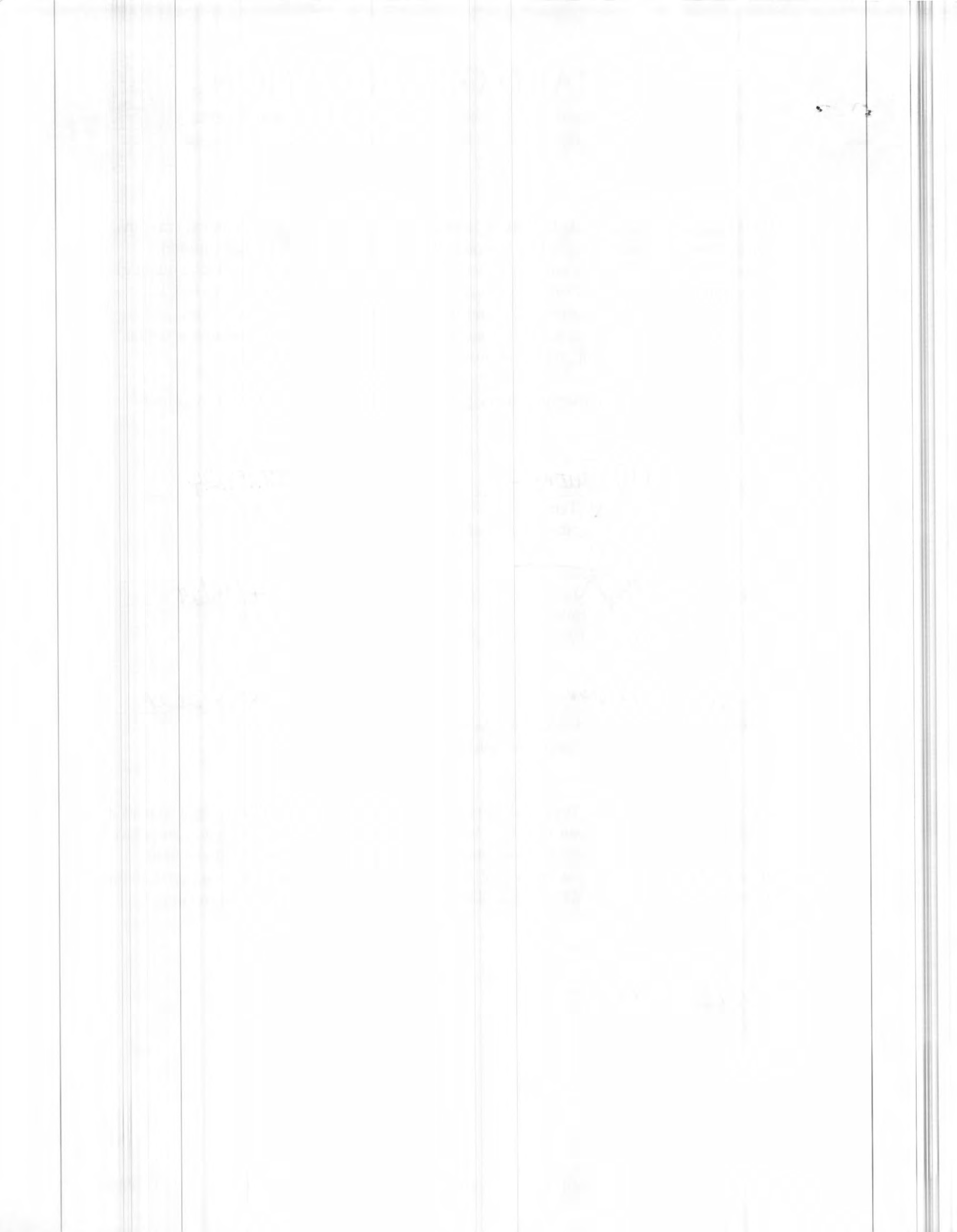
Pine'lu yan Ninota as:  08.15.2024  
Esther R.M. San Nicolas  
Rehistran Commonwealth  
Fetcha

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 mapuplika, (1 CMC § 2153(f) pupublikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha 13 gi Hului, 2024.

  
Edward E. Manibusan  
Abugádu Hinerát

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Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## ARONGORONGOL TOULAP REEL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT IKKA RA LIHWELI NGÁLI ALLÉGH ME MWÓGHUTUGHUT IKKA E SÚLLÚNGÁLI CHAPTER 60-30 PUBLIC SCHOOL SYSTEM ALLÉGH ME MWÓGHUTUGHUT

**PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téél Falúw kka Efang llól Marianas Public School System re schuungi bwe:

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁALI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téél Falúw kka Efang llól Marianas Public School System re mángemángil rebwe adóptáali mwóghutughut kkaal bwe ebwe lléghló ikka e appasch bwe Ppommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkaal seigh (10) ráal mwiril aar adóptáali me akkatéewowul me llól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Ppwommwol liiwel ikka ngáli mwóghutughutúl PSS ebwe arongowow sáangi bwángil Board reel iye e tutto me reel Article XV reel CNMI Constitution, Alléghúl Toulap 6-10, me CNMI Administrative Act.

**KKAPASAL ME AWEEWEEEL:** Ppwommwol Mwóghutughut iye re ayoora ebwe tééló mmwal reel mwóghutughut ikka e fil ngáli PSS §60-30.2 Part 200 Certification.

**KKAPASAL ME AUTOL:** Ebwe tééló mmwal Ppwommwol Mwóghutughut ikka e fil ngáli §60-30.2-227 Tappal Certification me Requirements: Alternative Levels, §60-30.2-235 Renewal ngare Re-application

**AFAL REEL AMMWELIL ME AKKATÉEWOWUL:** Ebwe akkatéewow Ppwommwol Mwóghutughut kkaal me llól Commonwealth Register llól táлил ppwommwol me ffél mwóghutughut ikka ra adóptáalil. (1 CMC § 9102(a) (1) me ebwe appaschetá me llól civic center me bwal llól bwulasyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. (1 CMC § 9104 (a) (1))

**REEL ISIISILONGOL KKAPAS:** Schóó kka re tipáli rebwe amwuri ppwommwol liiwel me isiisilongischil kkapas, positions, ngáre kkapasal aweewe ngáli ngáre konturali ppwommwol liiwel kkaal rebwe isiis ngáli Chairperson, State Board of Education, via email me P.O. Box

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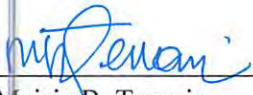
Dora B. Miura, PhD  
Teacher Representative


Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

501370 CK, Saipan, MP 96950, ngáre bwal reel tilifon me 670-664-3711 ngáre email me [boe.admin@cnmipss.org](mailto:boc.admin@cnmipss.org) llól eliigh (30) ráal mwiril aal akkatéewow liiwel kkaal me llól Commonwealth Register. (1 CMC § 9104(a)(2))

Aa átirow ppwommwol mwóghutughut kkaal ngáli ebwe akkatéewow me llól Register ngáliir toulap reel kkapas me State Board of Education Regular Meeting wóol Schoow 19,2024.

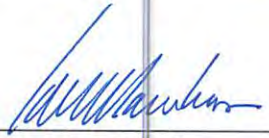
Isáliyalong:  07.19.24  
Maisie B. Tenorio  
Acting Chairperson, State Board of Education  
Ráal

Bwughiyal:  7/23/24  
Oscar Babauta  
Special Assistant ngáli Administration  
Ráal

Ammwelil:  08.20 15. 2024  
Esther R.M. San Nicolas  
Commonwealth Registrar  
Ráal

Sáangi 1 CMC § 2153(e) (sáangi átirowal mwóghutughut me reel AG bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me legal sufficiency sáangi Soulemelemil Allégh Lapalal CNMI me ebwe akkatéewow (1 CMC § 2153(f) (akkatéewowul allégh me mwóghutughut).

Ghikkill wóol 13 ráalil Wuun, 2024.

  
Edward E. Manibusan  
Soulemelemil Allégh Lapalal





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Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-30 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 §60-30.3 Part 700 Administrator’s Certification and Compensation.

**THE SUBJECTS AND ISSUES INVOLVED:** The Proposed Regulation sets forth the regulations and procedures required for §60-30.3-705 Term

**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 local government offices in each senatorial district, both in English and 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](mailto: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))

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# UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20250

OFFICE OF THE ASSISTANT SECRETARY  
FOR LAND AND WATER RESOURCES  
WASHINGTON, D. C. 20250

MEMORANDUM FOR THE ASSISTANT SECRETARY  
FOR LAND AND WATER RESOURCES

FROM: [Name]  
SUBJECT: [Subject]

1. [Text]

2. [Text]

3. [Text]


4. [Text]

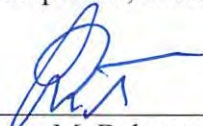
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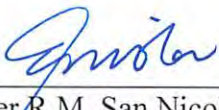
6. [Text]

7. [Text]

This regulation was approved at the State Board of Education Regular Meeting on January 19, 2024.

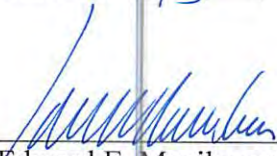
Submitted by:  3/14/24  
Herman M. Atalig, SGM (Ret) Date  
Chairperson, State Board of Education

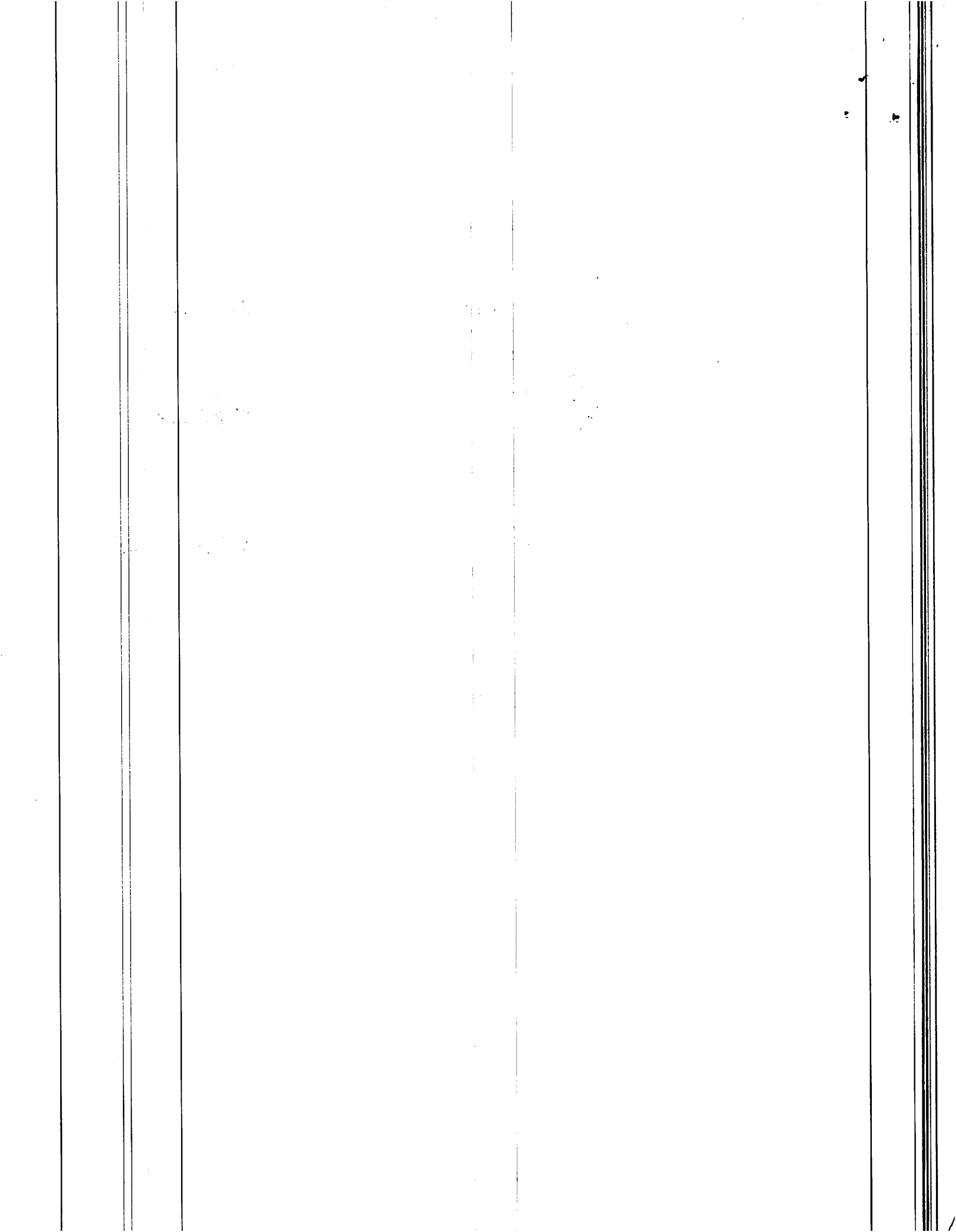
Received by:  7/23/24  
Oscar M. Babauta Date  
Special Assistant for Administration

Filed and Recorded by:  08-15-2024  
Esther R.M. San Nicolas Date  
Commonwealth Register

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 13 day of March 2024.

  
Edward E. Manibusan  
Attorney General



### § 60-30.3-705 Term

The term of a school administrator's **Basic I** certification shall be for a period of ~~four years~~ **2 years**. The certification may be subsequently renewed for another ~~4 years~~ **2 years**. However, an incumbent administrator requesting a renewal of his/her certification is required to complete at least 120 hours of professional development ~~hours~~, annually, sanctioned by PSS. Failure to complete the required 120 ~~hours of~~ professional development ~~hours~~ may be a cause for suspension, revocation or non-renewal of certification and/or employment contract.

History: Amdts Adopted 28 Com. Reg. 26130 (Aug. 24, 2006); Amdts Proposed 28 Com. Reg. 25606 (Apr. 17, 2006); Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

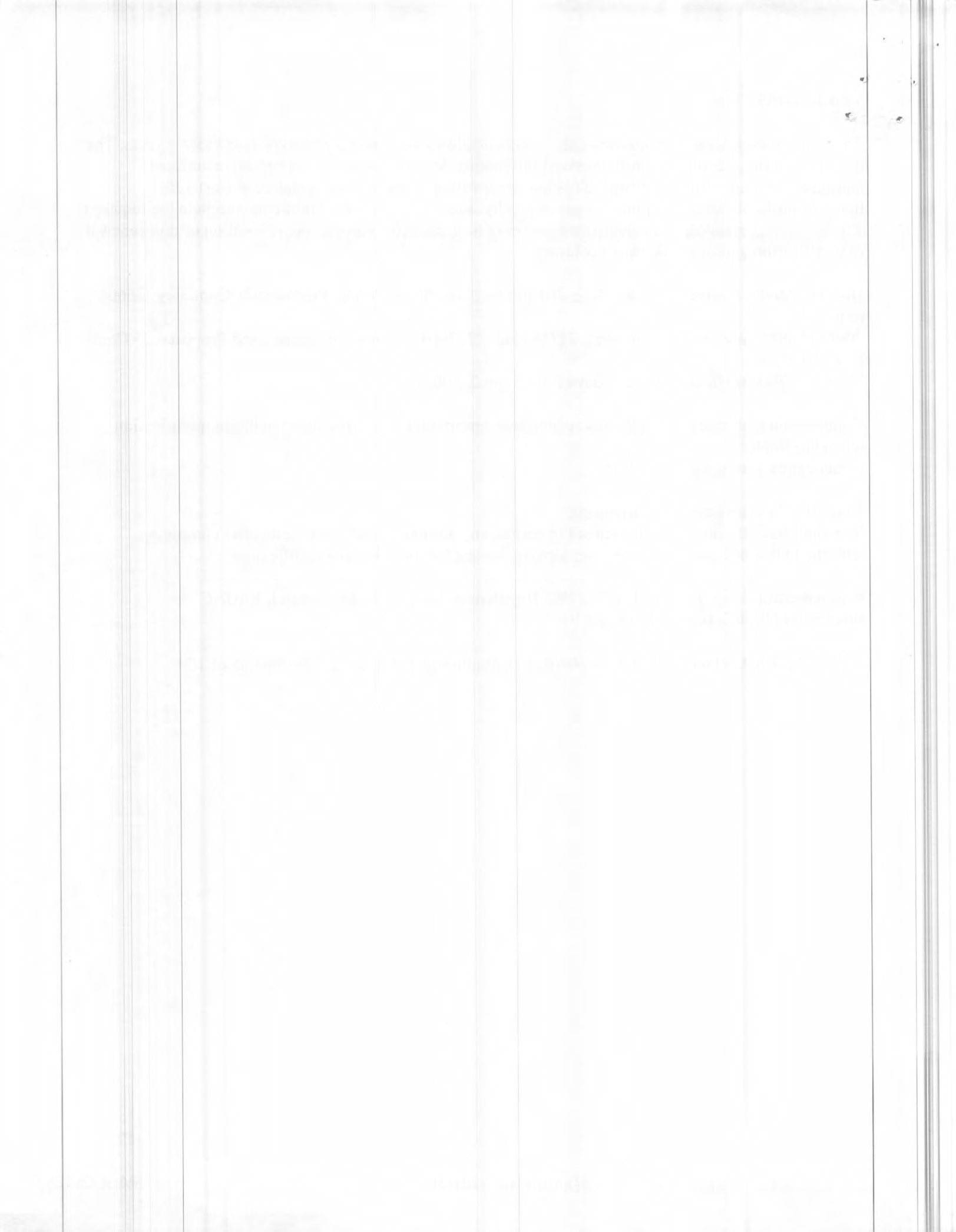
Commission Comment: In 2006, this section was repromulgated in its entirety without modification when the Board of Education adopted § 60-30.3-702.

#### § 60-30.3-710 Revocation / Suspension

PSS shall have the authority to suspend or revoke any administrator's certificate after complying with the notice and hearing process set forth in the teacher and librarian certification

requirements (Chapter 2, Part E of the PSS Regulations for Certified Personnel, NMIAC subchapter 60-30.2, part 200, subpart E).

© 2019 by The Commonwealth Law Revision Commission (May 28, 2019) Page 65 of 109





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Teacher Representative

Ronald E. Snyder, EdD  
Non Public School Rep.

Jane Nicole Mozunder  
Student Representative

## NUTISIAN PUBLIKU PUT I MANMAPRONI NA AREKLAMENTU YAN REGULASION NI MANMA'AMENDA PARA AREKLAMENTU YAN REGULASION SIHA PUT I PÁTTIN 60-30 GI AREKLAMENTU YAN REGULASION I SISTEMAN ISKUELAN PUBLIKU

**I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I** Commonwealth gi Sangkattan na Islas Mariánas Sistemán Iskuelan Públiku (“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 Públiku ha intensiona para u adápta komu petmanienti i regulasion siha i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Ákton Administrative Procedures, i CMC § 9104(a). I Regulasion siha siempri umifektibu gi halum dies (10) dihas dispues di adáptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

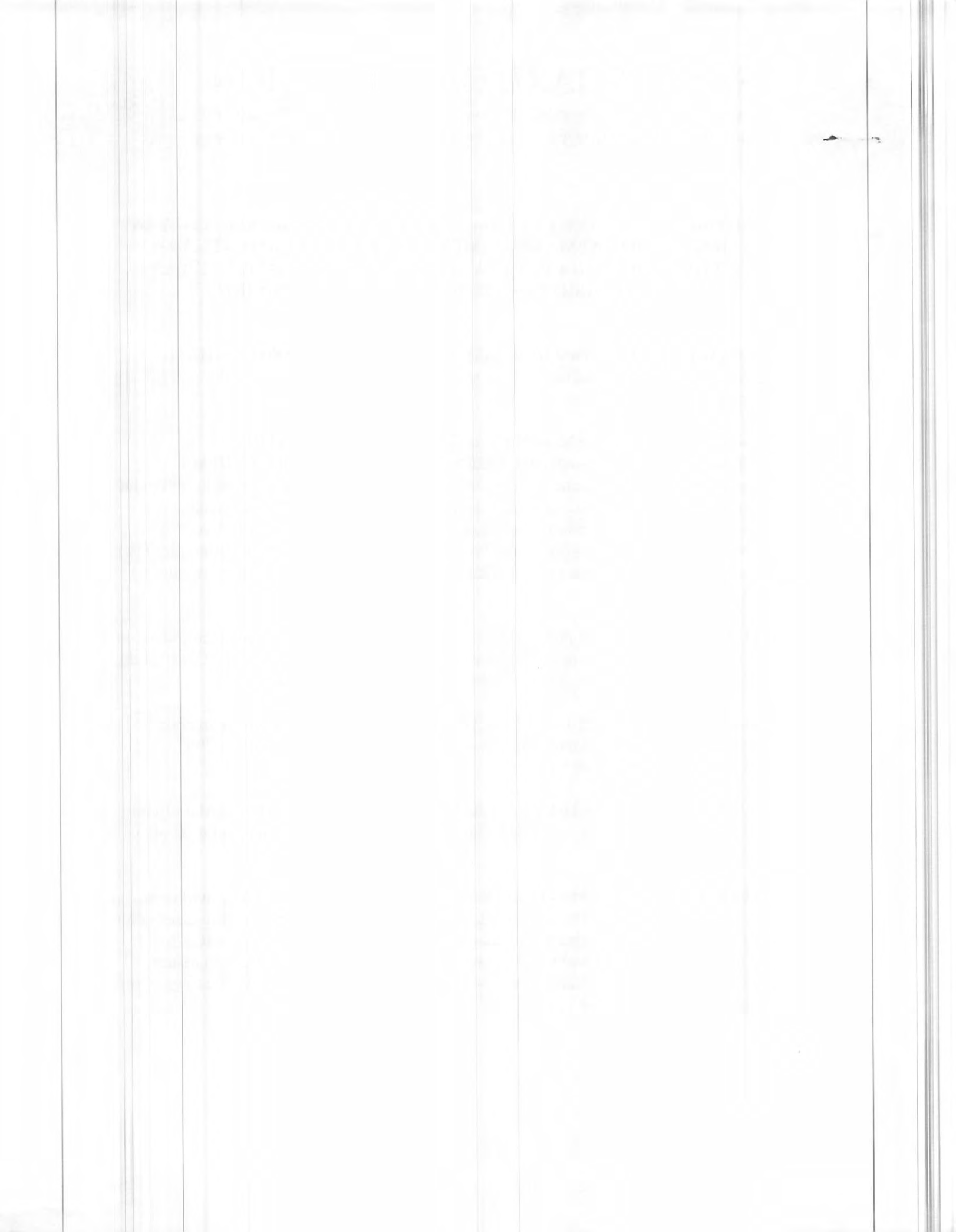
**ÁTURIDÁT:** I manmaproponi na amenda siha gi regulasion PSS manmácho’gui sigun gi áturidát i Kuetpu komu mapribeniyi ginin i Attikulu XV gi Konstitusion CNMI, Lai Públiku 6-10 yan i Ákton Administrative Procedures giya CNMI.

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I manmaproponi na amenda pumega mo’na para u pribeniyi i maneran giniha para PSS § 60-30.3 Pátti 700 Setifikasió n Atministradót yan Apás

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA:** I Maproponi na Regulasion pumega mo’na i regulasion yan i manera ni manisissita para § 60-30.3-705 Tema

**DIREKSION PARA U MAPO’LU YAN PUBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapúblika 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 linguáhin natibu. (1 CMC § 9104(a)(1))

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Esti na regulasion ginen maninaprueba gi Huntan i State Board of Education gi Ineru 19, 2024.

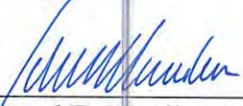
Nina'hálum as:  07.19.24  
Maisie B. Tenorio  
Kabesiyu, State Board of Education  
Fetcha

Rinisibi as:  7/23/24  
Oscar M. Babauta  
Ispisiát Na Ayudántin I Atministrasion  
Fetcha

Pine'lu yan  
Ninota as:  08.15.2024  
Esther 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 mapupblika, (1 CMC § 2153(f) pupublikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha 13 gi Hului, 2024.

  
Edward E. Manibusan  
Abugádu Hinrát

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A small handwritten mark or signature at the top right of the page.



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**PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téél Falúw kka Efáng Ilól Marianas Public School System re schuungi bwe:

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téél Falúw kka Efáng Ilól Marianas Public School System re mángemángil rebwe adóptááli mwóghutughut kkaal bwe ebwe lléghló ikka e appasch bwe Ppommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkaal seigh (10) ráal mwiril aar adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Ppwommwol liiwel ikka ngáli mwóghutughutúl PSS ebwe arongowow sáangi bwángil Board reel iye e tutto me reel Article XV reel CNMI Constitution, Alléghúl Toulap 6-10 me CNMI Administrative Act.

**KKAPASAL ME AWEEWEEL:** Ppwommwol Mwóghutughut iye re ayoora ebwe tééló mmwal reel mwóghutughut ikka e fil ngáli §60-30.3 Part 700 Administrator’s Certification me Compensation.

**KKAPASAL ME AUTOL:** Ebwe tééló mmwal Ppwommwol Mwóghutughut ikka e fil ngáli §60-30.3-705 Term.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Ppwommwol Mwóghutughut kkaal me llól Commonwealth Register llól táлил ppwommwol me ffél mwóghutughut ikka ra adóptááлил. (1 CMC § 9102(a) (1) me ebwe appaschetá me llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. (1 CMC § 9104 (a) (1))

**REEL ISIISILONGOL KKPAS:** Schóó kka re tipáli rebwe amwuri ppwommwol liiwel me isiisilongischil kkapas, positions, ngáre kkapasal aweewe ngáli ngáre konturali ppwommwol liiwel kkaal rebwe isiis ngáli Chairperson, State Board of Education, via email me P.O. Box

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Year	Month	Day	Time	Location	Activity	Remarks
1950	Jan	1	08:00	...	...	...
1950	Jan	2	08:00	...	...	...
1950	Jan	3	08:00	...	...	...
1950	Jan	4	08:00	...	...	...
1950	Jan	5	08:00	...	...	...
1950	Jan	6	08:00	...	...	...
1950	Jan	7	08:00	...	...	...
1950	Jan	8	08:00	...	...	...
1950	Jan	9	08:00	...	...	...
1950	Jan	10	08:00	...	...	...
1950	Jan	11	08:00	...	...	...
1950	Jan	12	08:00	...	...	...
1950	Jan	13	08:00	...	...	...
1950	Jan	14	08:00	...	...	...
1950	Jan	15	08:00	...	...	...
1950	Jan	16	08:00	...	...	...
1950	Jan	17	08:00	...	...	...
1950	Jan	18	08:00	...	...	...
1950	Jan	19	08:00	...	...	...
1950	Jan	20	08:00	...	...	...
1950	Jan	21	08:00	...	...	...
1950	Jan	22	08:00	...	...	...
1950	Jan	23	08:00	...	...	...
1950	Jan	24	08:00	...	...	...
1950	Jan	25	08:00	...	...	...
1950	Jan	26	08:00	...	...	...
1950	Jan	27	08:00	...	...	...
1950	Jan	28	08:00	...	...	...
1950	Jan	29	08:00	...	...	...
1950	Jan	30	08:00	...	...	...
1950	Jan	31	08:00	...	...	...



# STATE BOARD OF EDUCATION



Commonwealth of the Northern Mariana Islands ---- **Public School System**  
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501370 CK, Saipan, MP 96950, ngáre bwal reel tilifon me 670-664-3711 ngáre email me [boe.admin@cnmipss.org](mailto:boc.admin@cnmipss.org) llól eliigh (30) ráál mwiril aal akkatééwow liiwel kkaal me llól Commonwealth Register. (1 CMC § 9104(a)(2))

Aa átirow ppwommwol mwóghutughut kkaal ngáli ebwe akkatééwow me llól Register ngáliir toulap reel kkapas me State Board of Education Regular Meeting wóól Schoow 19,2024.

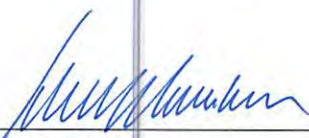
Isáliyalong:  07.19.24  
Maisie B. Tenorio, Acting Chairperson  
State Board of Education  
Ráál

Bwughiyal:  7/23/24  
Oscar Babauta  
Special Assistant ngáli Administration  
Ráál

Ammwelil:  08.15.2024  
Esther San Nicolas  
Commonwealth Registrar  
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal mwóghutughut me reel AG bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me legal sufficiency sáangi Soulemelemil Allégh Lapalalapal CNMI me ebwe akkatééwow (1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Ghikkill wóól 13 ráálil Wuun, 2024.

  
Edward E. Manibusan  
Soulemelemil Allégh Lapalalap

10/10/10

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## CNMI DEPARTMENT OF LABOR

### ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	PUA Case No. 23-0245
	)	
Florence Ann Bhuiyan,	)	
	)	
Appellant,	)	<b>FINDINGS OF FACT AND</b>
	)	<b>CONCLUSIONS OF LAW</b>
v.	)	
	)	
CNMI Department of Labor,	)	
	)	
Appellee.	)	

#### I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on May 30, 2024 and June 18, 2024 at approximately 9:00 a.m. at the Administrative Hearing Office, Saipan. Appellant Florence Ann Bhuiyan (“Appellant”) was present and represented by her Authorized Representative, Alam Bhuiyan. Appellee CNMI Department of Labor (“Appellee” or “Department”) was present and represented by PUA Adjudication Team Leader Emelda Camacho and PUA Management Analyst Joseph Pangelinan. Interpreter Nasima Uddin was also present to facilitate communications. Witness Mary Susan Satur was also present.

Based on the applicable law, parties’ arguments, and evidence presented, the Department’s Determination dated June 30, 2023 is **AFFIRMED**. Appellant is **NOT ELIGIBLE** for benefits for the period of March 15, 2020 to March 28, 2020. Further, Appellant is **DISQUALIFIED** from benefits for the entire pandemic assistance period for committing fraud in the initial application.

#### II. JURISDICTION

Pandemic Unemployment Assistance (“PUA”) is federal unemployment benefits distributed by state agencies to eligible workers affected by the COVID-19 public health emergency.<sup>1</sup> The CNMI Department of Labor (“Department”) is responsible for administering the federal PUA

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<sup>1</sup> See 15 USCA § 9021.

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1 program to eligible workers in the CNMI.<sup>2</sup> Further, the Department's Administrative Hearing  
2 Office is designated to review appeals of any PUA determination or redetermination issued in the  
3 CNMI.<sup>3</sup>

4 Appellant is a CNMI resident who filed a claim for unemployment benefits under the PUA  
5 program administered by the Department. Appellant was ultimately denied benefits and is  
6 appealing the Department's Disqualifying Determination. Accordingly, jurisdiction is  
7 established.

### 8 III. PROCEDURAL BACKGROUND

9 This matter concerns the denial of PUA benefits. On June 30, 2023, the Department issued a  
10 Disqualifying Determination effective March 15, 2020 to March 28, 2020.<sup>4</sup> The Disqualifying  
11 Determination states that Appellant failed to timely provide requested supporting documents to  
12 substantiate that her employment was directly caused by a qualifying COVID-19 reason. On July  
13 10, 2023, Appellant filed an appeal<sup>5</sup> to contest the Disqualifying Determination and the matter  
14 was scheduled for a hearing. In preparation for the hearing, the parties were ordered to file a  
15 prehearing statement and proposed exhibits. On October 31, 2023, Department filed a prehearing  
16 statement and 12 proposed exhibits. On November 2, 2023, the Appellant filed a prehearing  
17 statement without proposed exhibits. On May 23, 2024, the Department filed 2 additional  
18 exhibits. The initial hearing was held on May 30, 2024. At the end of this hearing, the record was  
19 closed and the matter was taken under advisement. Upon further review, the record was  
20 insufficient and unclear. On June 4, 2024, the case was reopened and a second hearing was noticed  
21 and held on June 18, 2024.

### 22 IV. ISSUE STATEMENT

23 The issue on appeal is whether Appellant is a covered individual eligible to receive PUA  
24 benefits.

### 25 V. FINDINGS OF FACT

26 As a preliminary matter, some of the factual findings below were disputed or in conflict with  
27 other evidence. However, the undersigned resolved all disputes, ambiguities, and conflicts based  
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<sup>2</sup> See 15 USCA § 9021(f).

<sup>3</sup> See 15 USCA § 9021(c).

<sup>4</sup> Exhibit 9 (A copy of Department's Disqualifying Determination dated June 30, 2023).

<sup>5</sup> Exhibit 12 (A copy of Appellant's Request to file an Appeal, filed July 10, 2023).

Year	Month	Day	Event	Location	Notes
1952	Jan	1	...	...	...
1952	Jan	2	...	...	...
1952	Jan	3	...	...	...
1952	Jan	4	...	...	...
1952	Jan	5	...	...	...
1952	Jan	6	...	...	...
1952	Jan	7	...	...	...
1952	Jan	8	...	...	...
1952	Jan	9	...	...	...
1952	Jan	10	...	...	...
1952	Jan	11	...	...	...
1952	Jan	12	...	...	...
1952	Jan	13	...	...	...
1952	Jan	14	...	...	...
1952	Jan	15	...	...	...
1952	Jan	16	...	...	...
1952	Jan	17	...	...	...
1952	Jan	18	...	...	...
1952	Jan	19	...	...	...
1952	Jan	20	...	...	...
1952	Jan	21	...	...	...
1952	Jan	22	...	...	...
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1952	Jan	24	...	...	...
1952	Jan	25	...	...	...
1952	Jan	26	...	...	...
1952	Jan	27	...	...	...
1952	Jan	28	...	...	...
1952	Jan	29	...	...	...
1952	Jan	30	...	...	...
1952	Jan	31	...	...	...

1 on the credibility of the witnesses and assigned weight of admitted exhibits. In consideration of  
2 above, the undersigned issues the following findings of fact:

- 3 1. Appellant is a US citizen living in the CNMI.
- 4 2. Appellant is a 37-year-old adult with Down Syndrome.<sup>6</sup> While Appellant is functioning  
5 and can verbalize needs, she is heavily supported by Center for Living Independently  
6 (“CLI”), CLI Director Mary Susan Satur, and Mr. Alam Bhuiyan.<sup>7</sup> Mr. Bhuiyan<sup>8</sup> is  
7 Appellant’s husband and authorized<sup>9</sup> representative.
- 8 3. While Appellant has volunteer work<sup>10</sup> experience, Appellant was not working in 2019 or  
9 2020.
- 10 4. In the beginning of 2020, Appellant’s husband and authorized representative, Alam  
11 Bhuiyan, (“Representative”) created two businesses in her name.
  - 12 A. The first business was a security company called, Dinanchi Security Services.
  - 13 B. The second business was a grounds maintenance company called, Pairiri Ground  
14 Maintenance.<sup>11</sup>
- 15 5. Representative decided to put the businesses in Appellant’s name because she is a US  
16 Citizen and he believed that would be advantageous.
- 17 6. Beyond signing paperwork to put the business in her name, Appellant engaged in little to  
18 no business activity.
  - 19 A. Appellant has no experience, training, or skills relevant to said businesses.
  - 20 B. Appellant’s future role and participation in the businesses were unconfirmed and  
21 speculative, at best.

22 <sup>6</sup> Appellant’s developmental age is unclear.

23 <sup>7</sup> Based on the evidence presented, Appellant graduated high school under the special education curriculum. However,  
24 Appellant is at the third grade reading level and struggles with writing and math. Appellant can make everyday  
25 decisions (e.g., when to shower, what to eat, what to wear) but struggles with appropriate boundaries and leaves  
26 decisions regarding finances, health, and welfare to Mr. Alam. Appellant has learned life skills (e.g., cooking,  
27 cleaning, and socializing) at CLI but it is limited and supervised. Appellant can be easily distracted, generally does  
28 not handle her own money, and does not like being left alone.

<sup>8</sup> Representative had limited English proficiency. Although language accommodations were provided and attempts  
were made to clarify questions and rehabilitate the witness, many of Representative’s responses were vague,  
contradictory, or nonresponsive to the specific question. Further, upon review, documents submitted by Mr. Bhuiyan  
conflicted with presented testimony.

<sup>9</sup> Mr. Bhuiyan does not have a valid power of attorney.

<sup>10</sup> Appellant volunteers without pay as a team leader to a group of other participants at CLI.

<sup>11</sup> Exhibit 4 (A copy of Appellant’s Business Licenses, valid from January 27, 2020 to January 27, 2021).

Year	Month	Day	Event	Location	Notes
1950	Jan	1	...	...	...
1950	Jan	2	...	...	...
1950	Jan	3	...	...	...
1950	Jan	4	...	...	...
1950	Jan	5	...	...	...
1950	Jan	6	...	...	...
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1950	Jan	8	...	...	...
1950	Jan	9	...	...	...
1950	Jan	10	...	...	...
1950	Jan	11	...	...	...
1950	Jan	12	...	...	...
1950	Jan	13	...	...	...
1950	Jan	14	...	...	...
1950	Jan	15	...	...	...
1950	Jan	16	...	...	...
1950	Jan	17	...	...	...
1950	Jan	18	...	...	...
1950	Jan	19	...	...	...
1950	Jan	20	...	...	...
1950	Jan	21	...	...	...
1950	Jan	22	...	...	...
1950	Jan	23	...	...	...
1950	Jan	24	...	...	...
1950	Jan	25	...	...	...
1950	Jan	26	...	...	...
1950	Jan	27	...	...	...
1950	Jan	28	...	...	...
1950	Jan	29	...	...	...
1950	Jan	30	...	...	...
1950	Jan	31	...	...	...
1950	Feb	1	...	...	...
1950	Feb	2	...	...	...
1950	Feb	3	...	...	...
1950	Feb	4	...	...	...
1950	Feb	5	...	...	...
1950	Feb	6	...	...	...
1950	Feb	7	...	...	...
1950	Feb	8	...	...	...
1950	Feb	9	...	...	...
1950	Feb	10	...	...	...
1950	Feb	11	...	...	...
1950	Feb	12	...	...	...
1950	Feb	13	...	...	...
1950	Feb	14	...	...	...
1950	Feb	15	...	...	...
1950	Feb	16	...	...	...
1950	Feb	17	...	...	...
1950	Feb	18	...	...	...
1950	Feb	19	...	...	...
1950	Feb	20	...	...	...
1950	Feb	21	...	...	...
1950	Feb	22	...	...	...
1950	Feb	23	...	...	...
1950	Feb	24	...	...	...
1950	Feb	25	...	...	...
1950	Feb	26	...	...	...
1950	Feb	27	...	...	...
1950	Feb	28	...	...	...
1950	Feb	29	...	...	...
1950	Mar	1	...	...	...
1950	Mar	2	...	...	...
1950	Mar	3	...	...	...
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1950	Mar	5	...	...	...
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1950	Mar	9	...	...	...
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1950	Mar	28	...	...	...
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1950	Mar	31	...	...	...

- 1 C. Appellant did not provide services under either of the businesses. The majority of  
2 the work, if any, was to be done by Representative.
- 3 D. While a business bank account was opened in Appellant's name, it was only  
4 funded with \$125 of Representative's money.
- 5 E. Appellant did not receive any income or compensation from the businesses.
- 6 7. The businesses never became fully operational.
- 7 A. At the time of creation, there was no viable business plan.
- 8 B. There were limited start-up funds to support operations.
- 9 C. There was no office space or business assets purchased for operations.
- 10 D. While potential employees were identified within the Appellant's family, no one  
11 was actually hired to do the necessary work.
- 12 8. While Representative may have solicited for work, Representative was unable to secure  
13 service contracts for any of the above-mentioned businesses.
- 14 A. With regards to the security company, Representative could not secure work  
15 because his prices were not competitive and higher than market value.  
16 Representative did not want to accept the market price.
- 17 B. With regards to the ground maintenance company, Representative could not secure  
18 work because he did not have the necessary equipment.
- 19 9. Neither Appellant or Representative were capable or willing to work in 2020.
- 20 A. Appellant did not have any skills, training, or experience to work under either  
21 business.
- 22 B. Appellant stayed home for the majority of 2020 because she was scared of  
23 contracting COVID-19.
- 24 C. Representative claimed he could not work because he has diabetes and did not  
25 have a car—despite categorizing fuel as a business expense.<sup>12</sup>
- 26 D. Representative also claimed that the business turned away clients who were  
27 willing to pay the market rate.
- 28 10. The businesses did not make income during the relevant time period.<sup>13</sup>

<sup>12</sup> See Exhibit 7 (A copy of Appellant's handwritten list of 2020-2021 business expenses).

<sup>13</sup> Exhibit 5 (A copy of Appellant's Monthly BGRT's for year 2020 and 2021); Exhibit 6 (A copy of Appellant's Quarterly Returns for year 2020 and 2021).

Year	Month	Day	Event	Location	Notes
1900	Jan	1	...	...	...
1900	Jan	2	...	...	...
1900	Jan	3	...	...	...
1900	Jan	4	...	...	...
1900	Jan	5	...	...	...
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1900	Jan	29	...	...	...
1900	Jan	30	...	...	...
1900	Jan	31	...	...	...

- 1           A. The security company did not provide services or make any income in 2020, 2021,  
2           or 2022.
- 3           B. The grounds maintenance company did not provide services or make any income  
4           in 2020 or 2021.
- 5       11. Although the businesses were not operational or profitable, the businesses did not actually  
6           close or shut down.
- 7       12. Representative hired a third party to file pandemic unemployment assistance claims for  
8           Appellant and himself, based on information Representative provided. Appellant's  
9           application was submitted on or around September 9, 2020.<sup>14</sup>
- 10       13. Based on the application, the Department requested additional documents to substantiate  
11           whether Appellant's employment was directly affected by a COVID-19 qualifying reason.
  - 12           A. On August 12, 2022, the Department gave Appellant 90 days to file a number of  
13           employment and tax records. Appellant did not fully meet this deadline and the  
14           Department was unable to substantiate employment.
  - 15           B. On November 18, 2022, the Department gave Appellant an additional 90 days to  
16           file the records. Appellant did not fully meet this deadline and the Department was  
17           unable to substantiate employment.
  - 18           C. On April 17, 2023, the Department gave Appellant an additional 21 days to file  
19           the records. Appellant did not fully meet this deadline and the Department was  
20           unable to substantiate employment.
- 21       14. Based on the Department's requests for documents, Representative worked with an  
22           unknown third party to create and submit documents to support Appellant's claim.  
23           Appellant did not write these documents and it is unclear whether she understood what  
24           she was signing.
  - 25           A. In response to a request for employment certification, Representative submitted a  
26           notarized letter, dated August 22, 2022, stating that scheduled work was suspended  
27           and operations shut down "due to COVID-19."<sup>15</sup> This document was given little  
28           to no evidentiary weight.<sup>16</sup>

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<sup>14</sup> Exhibit 1 (A copy of Appellant's Application Snapshot, filed September 9, 2020).

<sup>15</sup> Exhibit 3 (A copy of Appellant's self-certification dated August 22, 2022 and statement dated May 5, 2023).

<sup>16</sup> The undersigned assigned little to no weight to this document considering it does not satisfy the business record exception to the hearsay rule when it was not created or maintained in the regular course of business, but created two



1 B. In response to a request for a business plan, Representative submitted statements  
2 that a business plan did not exist.<sup>17</sup> Afterwards, Representative submitted two  
3 documents that he believed to be a “business plan” for the security company.<sup>18</sup>  
4 The first document was a letter itemizing \$45,000 of necessary startup funds.<sup>19</sup>  
5 The second document was an “executive summary” for the business.<sup>20</sup> The  
6 business plan documents were given little to no evidentiary weight.<sup>21</sup>

7 C. In response to a request for financial records demonstrating income,  
8 Representative submitted copies of Monthly Business Gross Revenue Tax Returns  
9 and Quarterly Withholding Tax Returns.<sup>22</sup> These tax returns were filed one to two  
10 years late and claimed zero income.

11 D. In response to a request for business expenses to show business activity,  
12 Representative submitted a handwritten list of business expenses, amounting to  
13 \$2,290 per month.<sup>23</sup> The list of business expenses was given little to no evidentiary  
14 weight.<sup>24</sup>

15 15. Ultimately, the Department found the documents were insufficient to substantiate that  
16 Appellant’s employment was directly affected by a COVID-19 qualifying reason. On June  
17 30, 2023, the Department issued a Disqualifying Determination effective March 15, 2020  
18 to March 28, 2020 for failure to timely submit supporting documents.

19 16. On July 10, 2023, Appellant filed the present appeal.

20 ///

21 years after the fact, in preparation for appeal. Further, statements in the letter conflicts with sworn testimony that the  
22 business was never operational.

23 <sup>17</sup> Exhibit 3 (A copy of Appellant’s self-certification dated August 22, 2022 and statement dated May 5, 2023).

24 <sup>18</sup> There were no business plan documents with regards to the ground maintenance company.

25 <sup>19</sup> See Appeal and supporting documents.

26 <sup>20</sup> Exhibit 8 (A copy of Appellant’s Business Plan for Dinanchi Security Services).

27 <sup>21</sup> The undersigned assigned little to no weight to said business plan because it lacks substance. Specifically, it does  
28 nothing to legitimize the business, identify prospective business opportunities, or show Appellant’s involvement or  
participation in the businesses.

<sup>22</sup> Exhibit 5 (A copy of Appellant’s Monthly BGRT’s for year 2020 and 2021); Exhibit 6 (A copy of Appellant’s  
Quarterly Returns for year 2020 and 2021).

<sup>23</sup> Exhibit 7 (A copy of Appellant’s handwritten list of 2020-2021 business expenses).

<sup>24</sup> The undersigned assigned little to no weight to the list of expenditures because the expenses were tied to personal  
living expenses, could not be corroborated with receipts, and upon questioning, could not be linked to a specific  
business activity. Additionally, the undersigned does not find that expenditures to be credible considering conflicting  
testimony that the businesses were not operating or providing services.



VI. CONCLUSIONS OF LAW

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

**1. Appellant is not a “covered individual” eligible for PUA Benefits.**

Pandemic unemployment assistance is available to covered individuals, for up to 79 weeks from January 27, 2020 to September 6, 2021, so long as their unemployment, partial unemployment, or inability to work was caused by COVID-19. 15 USCA § 9021. A “covered individual” is someone who: (1) is not eligible for regular compensation or extended benefits under State or Federal Law; (2) self-certifies he or she is able to work and available for work but is unemployed, partially unemployed, or unable or unable to work as a direct result of COVID-19; and (3) timely provides documentation to substantiate employment, self-employment, or planned commencement of employment. 15 USCA § 9021 (a)(3)(A).

**A. Appellant did not submit sufficient documents to substantiate employment.**

In order to be eligible for PUA, an individual must provide documentation substantiating employment, self-employment, or the planned commencement of employment or self-employment within 21 days of submitting an application or upon the Department’s request. 15 USCA § 9021(a)(3)(A)(iii); *See also* 20 CFR § 625.6. The deadline to submit may be extended for good cause. 15 USCA § 9021(a)(3)(A)(iii). Failure to supply said documents, and any other relevant, requested documents is a justifiable basis to deny benefits. HAR § 12-5-81(j).

As demonstrated above, the Department made multiple requests for documents to substantiate Appellant’s employment. For Appellant, relevant documents include a business license and supporting documents to show self-employment, tax returns or other financial records to show income, or contracts or affidavits to show commencement of work. Appellant was given more than 180 days to provide necessary documentation to substantiate employment. While Appellant provided some records,<sup>25</sup> these records were not trustworthy and did not show Appellant was actually working or making income. For these reasons, Appellant failed to submit sufficient documents to substantiate employment.

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<sup>25</sup> *See* Exhibit 4 (A copy of Appellant’s Business Licenses, valid from January 27, 2020 to January 27, 2021); Exhibit 5 (A copy of Appellant’s Monthly BGRT’s for year 2020 and 2021); Exhibit 6 (A copy of Appellant’s Quarterly Returns for year 2020 and 2021); *See* Exhibit 7 (A copy of Appellant’s handwritten list of 2020-2021 business expenses); and Exhibit 8 (A copy of Appellant’s Business Plan for Dinanchi Security Services).

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1950	Jan	26	...	...	...
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**B. Appellant's employment was not affected as a direct result of a qualifying COVID-19 reason.**

In order to be eligible for benefits, Appellant must show her employment was affected as a direct result<sup>26</sup> of a qualifying COVID-19 reason. 15 USCA § 9021(a)(3)(A)(ii). An individual was directly affected by COVID-19 if:

- a. The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- b. A member of the individual's household has been diagnosed with COVID-19;
- c. The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19;
- d. A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;
- e. The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
- f. The individual is unable to reach the place of employment because the individual has been advised by a health care provider to quarantine due to concerns related to COVID-19;
- g. The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
- h. 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;
- i. The individual has to quit his or her job as a direct result of COVID-19;
- j. The individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or
- k. The individual meets any additional criteria established by the US Secretary of Labor for unemployment assistance under PUA.

15 USCA § 9021 (a)(3)(A)(ii). Additional criteria established by the US Secretary of Labor under item (k), above, includes:

- (l) The individual is an independent contractor who is unemployed (total or partial) or is unable or unavailable to work because of the COVID-19 public

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<sup>26</sup> 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.

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health emergency that 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.

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

Here, Representative claimed that Appellant is self-employed and Appellant's place of business closed due to COVID-19. Upon thorough review, the undersigned is not persuaded.

First, it is important to note that Appellant's employment was a façade. To be considered self-employed, the Appellant must report income as a self-employed person.<sup>27</sup> Although Appellant was the legal owner of two companies, ownership alone does not equate to employment.<sup>28</sup> Notably, Representative only created the business in her name because of her status as a US citizen. Appellant did not contribute to the business, engage in business activity in any meaningful way, or generate income from the business. Based on the evidence presented, Appellant was not employed and her unemployment predated the pandemic.

Second, the statements made in Appellant's PUA application are false and inaccurate. In submitting the application, Appellant, by and through Representative,<sup>29</sup> claimed that her place of employment was closed as a direct result of the COVID-19 public health emergency.<sup>30</sup> This

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<sup>27</sup> See Haw. Code R. § 17-912-28.

<sup>28</sup> See Haw. Code R. § 12-5-99 ("Employment means all services ... whether expressed in terms of weeks of work or otherwise.")

<sup>29</sup> Representative hired an unknown third party to prepare and submit the PUA application on Appellant's behalf, based on information provided by Representative.

<sup>30</sup> To satisfy this criterion, Appellant must show that the pandemic was the immediate cause of the business closure. Based on federal guidance, this criterion can be satisfied when there is a government-mandated closure such as an emergency declaration or necessary social distancing protocols. *See Unemployment Insurance Program Letter 16-20, 16-20 Change 4, and 16-20 Change 5.*

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1 statement is false and inaccurate. In addition to the fact that Appellant was not actually employed,  
2 the businesses never actually closed. Notably, the business did not have a public location or store  
3 front. Instead, Representative attempted to operate the business from their home. Representative,  
4 however, was unsuccessful and could not operate the business due to a lack of start funds and  
5 clients. At no time relevant to this claim was Appellant required to shut down operations because  
6 of COVID-19. Based on the evidence presented, Appellant and Representative misrepresent how  
7 COVID-19 affected Appellant's employment.

8 Third, upon further inquiry, Appellant is unable to satisfy any other COVID-19 qualifying  
9 reason. Although Appellant may claim self-employment, she did not experience a decline in  
10 customary work activities and she did not receive reportable income from the businesses during  
11 the relevant time period. Further, as Representative testified, the businesses did not operate  
12 because they lacked start-up funds to purchase equipment and did not have competitive pricing.  
13 These reasons are not directly related to COVID-19.

14 In consideration of above, Appellant's employment was not affected by COVID-19.

15 **C. Appellant was not able and available to work.**

16 In order to be eligible for PUA, an individual must be able and available to work. 15 USCA §  
17 9021(a)(3)(A)(ii). "An individual shall be deemed able to work if the individual has the physical  
18 and mental ability to perform the usual duties of the individual's customary occupation or other  
19 work for which is the individual is reasonably fitted by training and experience." HAR § 12-5-  
20 35(a)(1). If a claimant is not physically able to work, he or she may be disqualified for PUA,  
21 unless the reason he or she is unable or unavailable is directly related to a COVID-19 reason. "An  
22 individual shall be deemed available for work only if the individual is ready and willing to accept  
23 employment for which the individual is reasonably fitted by training and experience. The  
24 individual must intend and wish to work, and there must be no undue restrictions either self-  
25 imposed or created by force of circumstances which prevent the individual from accepting  
26 employment." HAR § 12-5-35(a)(2) and (b). Also, the individual must "be willing to accept the  
27 wages and hours and days of employment that are prevailing or customary in the community in  
28 which the individual is seeking work. . . ." *Id.*

Based on the parties' testimony Appellant was not able or available to work for either business  
for a number of reasons. First, Appellant has a cognitive and developmental disability that  
restricted her ability to work. Second, Appellant has limited work experience, education, skill,

Year	Month	Day	Event	Location	Notes
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1 and training to work. Third, Appellant chose to stay home because she was afraid of contracting  
2 COVID-19. For these reasons, Appellant was not able and available to work.

3 **2. Appellant committed fraud and should be disqualified from receiving benefits.**

4 A person who knowingly misrepresents or conceals a material fact in order to obtain benefits  
5 commits fraud. 20 CFR § 625.14. A claimant who commits fraud in the initial application is  
6 disqualified to receive benefits during the entire pandemic assistance period. 20 CFR §  
7 625.14(i)(1). A claimant who commits fraud in the weekly certifications is disqualified for that  
8 week and the following two compensable weeks during the pandemic assistance period. 20 CFR  
9 § 625.14(i)(2). Additionally, the claimant may be held liable for criminal prosecution and  
penalties under state or federal law. 20 CFR § 625.14 (j).

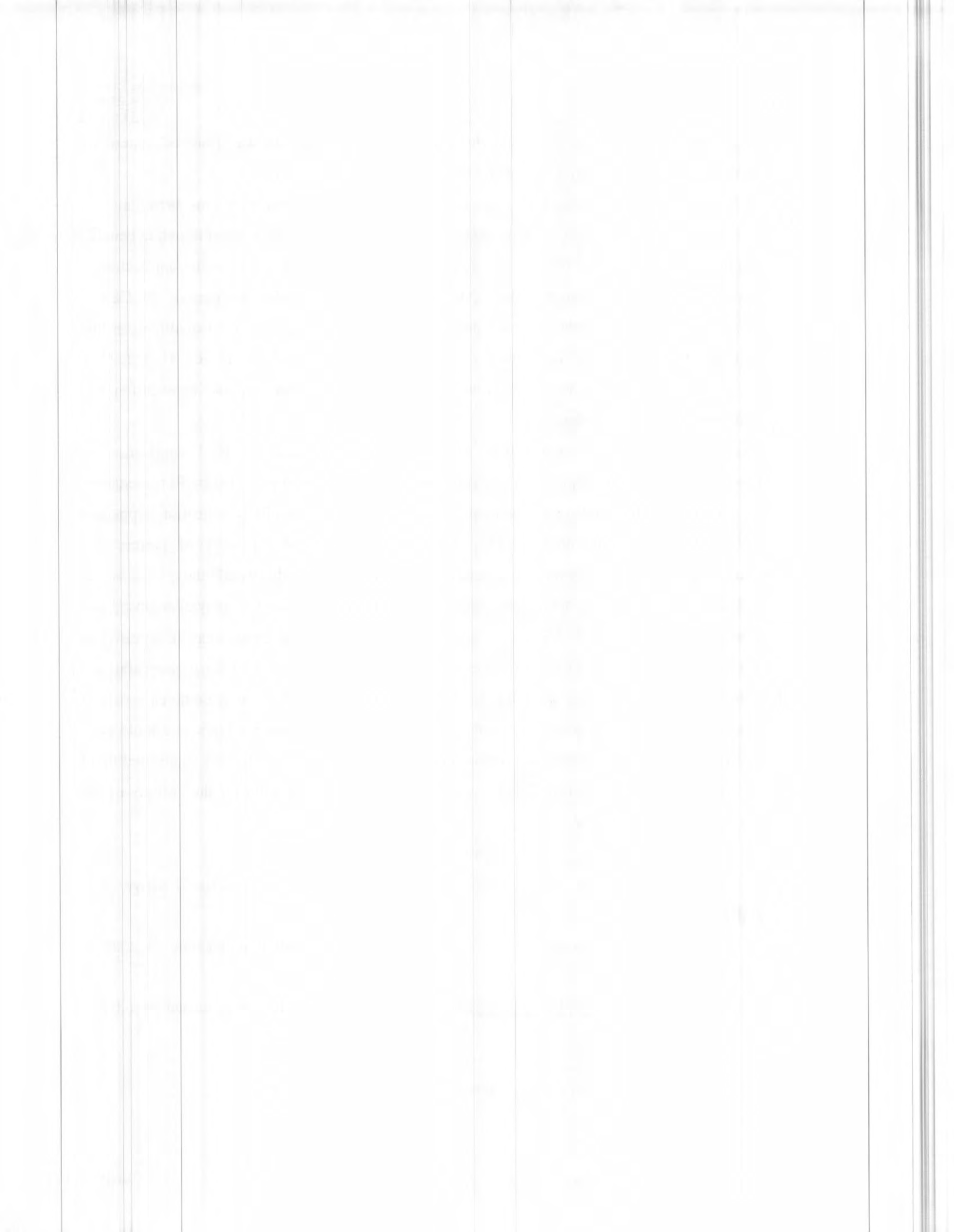
10 Here, Representative hired a third party to prepare and submit a PUA application on  
11 Appellant's behalf. The application was prepared using information provided by Representative  
12 and submitted with Appellant's authorization. Upon submitting the initial application, Appellant  
13 certified that statements made in the application are true under penalty of perjury and  
14 acknowledges that intentional misrepresentation is fraud.<sup>31</sup> As discussed above, the initial  
15 application and supporting documents claimed that Appellant's place of employment closed as a  
16 direct result of COVID-19. These statements were submitted to the Department in an effort to  
17 claim unemployment benefits. However, as discussed above and based on Representative's  
18 testimony, these statements are false. Further, in consideration of the explanations, provided  
19 resources, falsified records, and testimony, Appellant and Representative knew or should have  
20 known those statements to be false. Accordingly, Appellant and Representative committed fraud  
21 and Appellant should be disqualified from receiving any PUA benefits for the entirety of the  
pandemic assistance period.

22 **VII. DECISION**

23 Accordingly, Appellant is not a covered individual. For the reasons stated above, it is  
24 **ORDERED** that:

- 25 1. The CNMI Department of Labor's Disqualifying Determination, dated June 30, 2023, is  
**AFFIRMED**;
- 26 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the contested period; and  
27

28 <sup>31</sup> See Exhibit I (A copy of Appellant's Application Snapshot, filed September 9, 2020).

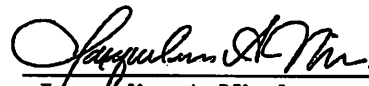


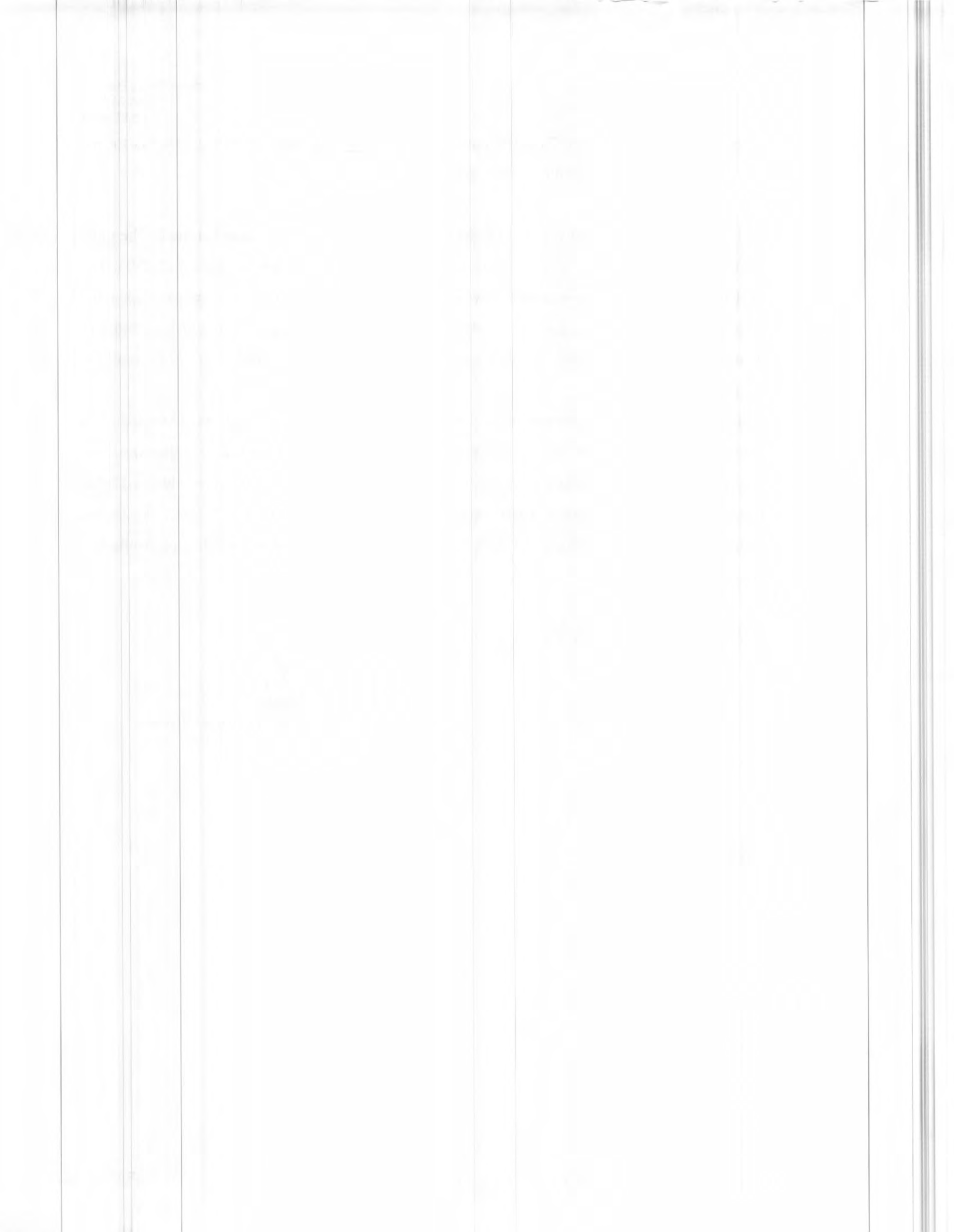
1 3. Appellant committed **FRAUD** and is **DISQUALIFIED** from receiving benefits for the  
2 entirety of the pandemic assistance period.

3  
4 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
5 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
6 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
7 decision. The written request must be submitted to the Administrative Hearing Office, either in  
8 person at 1331 Ascencion Drive, Capitol Hill Saipan MP 96950 or via email at  
9 hearing@dol.gov.mp.

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

16 So ordered this 2nd day of July, 2024.

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18 **Jacqueline A. Nicolas**  
19 Chief Administrative Hearing Officer  
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## CNMI DEPARTMENT OF LABOR

### ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	PUA Case No. 23-0251
	)	
Sabinoy Chakraborty,	)	
	)	
Appellant,	)	<b>FINDINGS OF FACT AND</b>
	)	<b>CONCLUSIONS OF LAW</b>
v.	)	
	)	
CNMI Department of Labor,	)	
	)	
Appellee.	)	

#### I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on June 27, 2024 at approximately 9:00 a.m. at the Administrative Hearing Office, Saipan. Appellant Sabinoy Chakraborty (“Appellant”) was present and self-represented. Appellee CNMI Department of Labor (“Appellee” or “Department”) was present and represented by Adjudication Team Leader Emelda Camacho and Adjudication Management Analyst Joseph Pangelinan.

Based on the applicable law, parties’ arguments, and evidence presented, the Department’s Determination dated June 27, 2023 is **AFFIRMED**. Appellant is **NOT ELIGIBLE** for benefits for the period of December 27, 2020 to September 4, 2021. Appellant committed **FRAUD** and is **DISQUALIFIED** to receive PUA benefits for the entire pandemic assistance period.

#### II. JURISDICTION

Pandemic Unemployment Assistance (“PUA”) is federal unemployment benefits distributed by state agencies to eligible workers affected by the COVID-19 public health emergency.<sup>1</sup> The CNMI Department of Labor (“Department”) is responsible for administering the federal PUA program to eligible workers in the CNMI.<sup>2</sup> Further, the Department’s Administrative Hearing

<sup>1</sup> See 15 USCA § 9021.

<sup>2</sup> See 15 USCA § 9021(f).

1. Introduction

2. Methodology

3. Results

4. Discussion

5. Conclusion

1 Office is designated to review appeals of any PUA determination or redetermination issued in the  
2 CNMI.<sup>3</sup>

3 Appellant is a CNMI resident who filed a claim for unemployment benefits under the PUA  
4 program administered by the Department. Appellant was ultimately denied benefits and is  
5 appealing the Department's Disqualifying Determination. Accordingly, jurisdiction is  
6 established.

### 7 III. PROCEDURAL BACKGROUND

8 This matter concerns the denial of PUA benefits. On June 27, 2023 the Department issued a  
9 Disqualifying Determination, effective December 27, 2020 to September 4, 2021. The  
10 Disqualifying Determination provides that Appellant is not a U.S Citizen, Non-Citizen National,  
11 or a Qualified Alien. On July 26, 2023, Appellant filed a request for reconsideration with the  
12 Department. On July 27, 2023, the Department issued a Redetermination that reasserted the  
13 original determination. On August 14, 2023, Appellant filed an appeal to contest the Disqualifying  
14 Determination<sup>4</sup> and the matter was scheduled for a hearing. In preparation for the hearing, the  
15 parties were ordered to file a prehearing statement and proposed exhibits. On October 27, 2023,  
16 Appellant filed a prehearing statement and 10 proposed exhibits. On October 31, 2023, the  
17 Department filed a prehearing statement and 12 proposed exhibits. The Appellant filed an  
18 additional exhibit on January 22, 2024. The Administrative Hearing was held on June 27, 2024.

### 19 IV. ISSUE STATEMENT

20 The issues on appeal are:

- 21 1. Whether the appeal is timely filed;<sup>5</sup> and
- 22 2. Whether Appellant is eligible for PUA; and
- 23 3. If overpaid, whether Appellant is eligible for a waiver from repaying received benefits.

### 24 V. FINDINGS OF FACT

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

- 27 1. Appellant is a CNMI resident who has been living and working in the Saipan.<sup>6</sup>

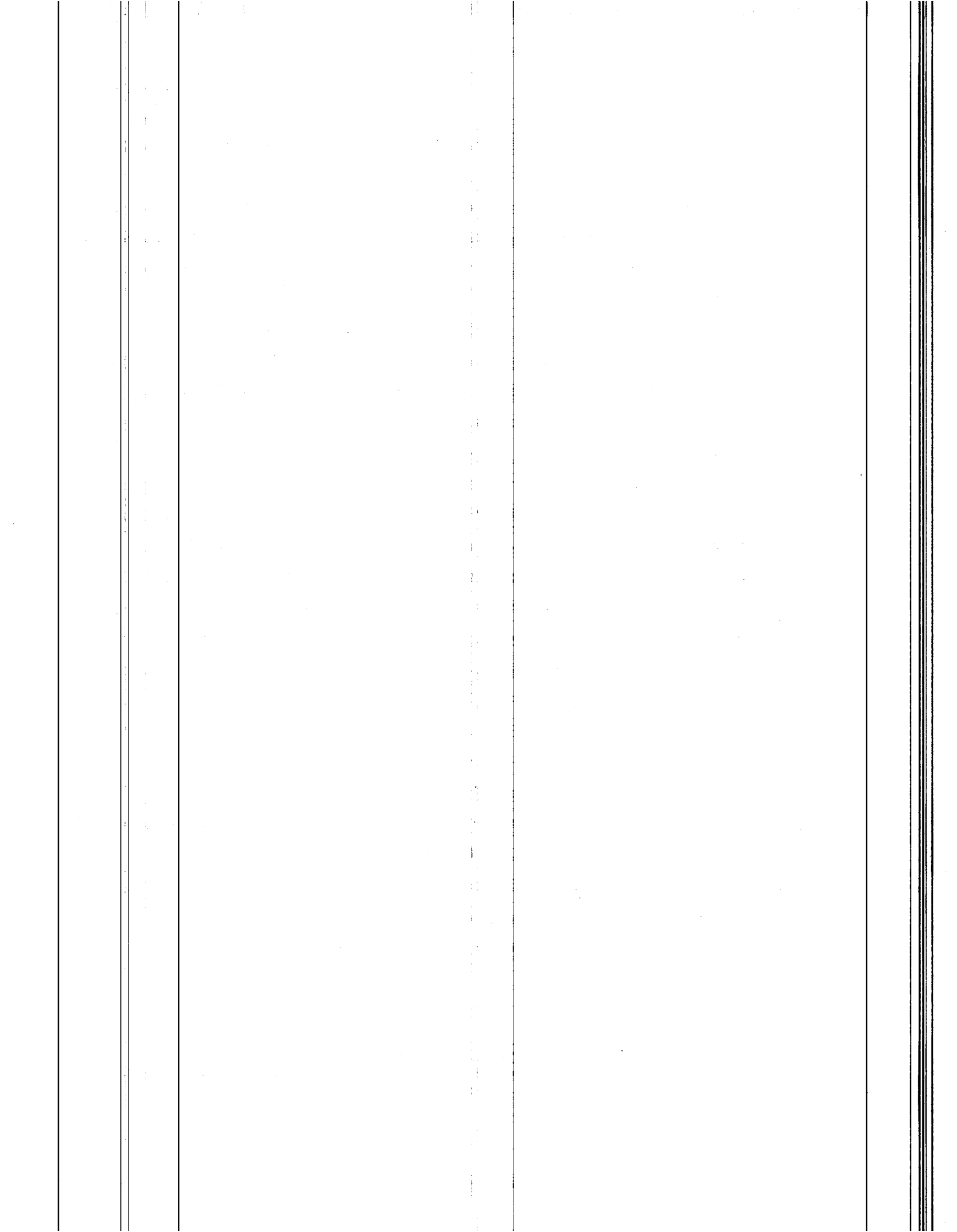
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28 <sup>3</sup> See 15 USCA § 9021(c).

<sup>4</sup> Appellant mistakenly appealed the Determination instead of the Redetermination.

<sup>5</sup> In the event that the appeal is not timely filed, the latter issue will be considered moot and omitted from the decision.

<sup>6</sup> See Exhibit I (A copy of Appellant's Application Snapshot, filed June 21, 2020).



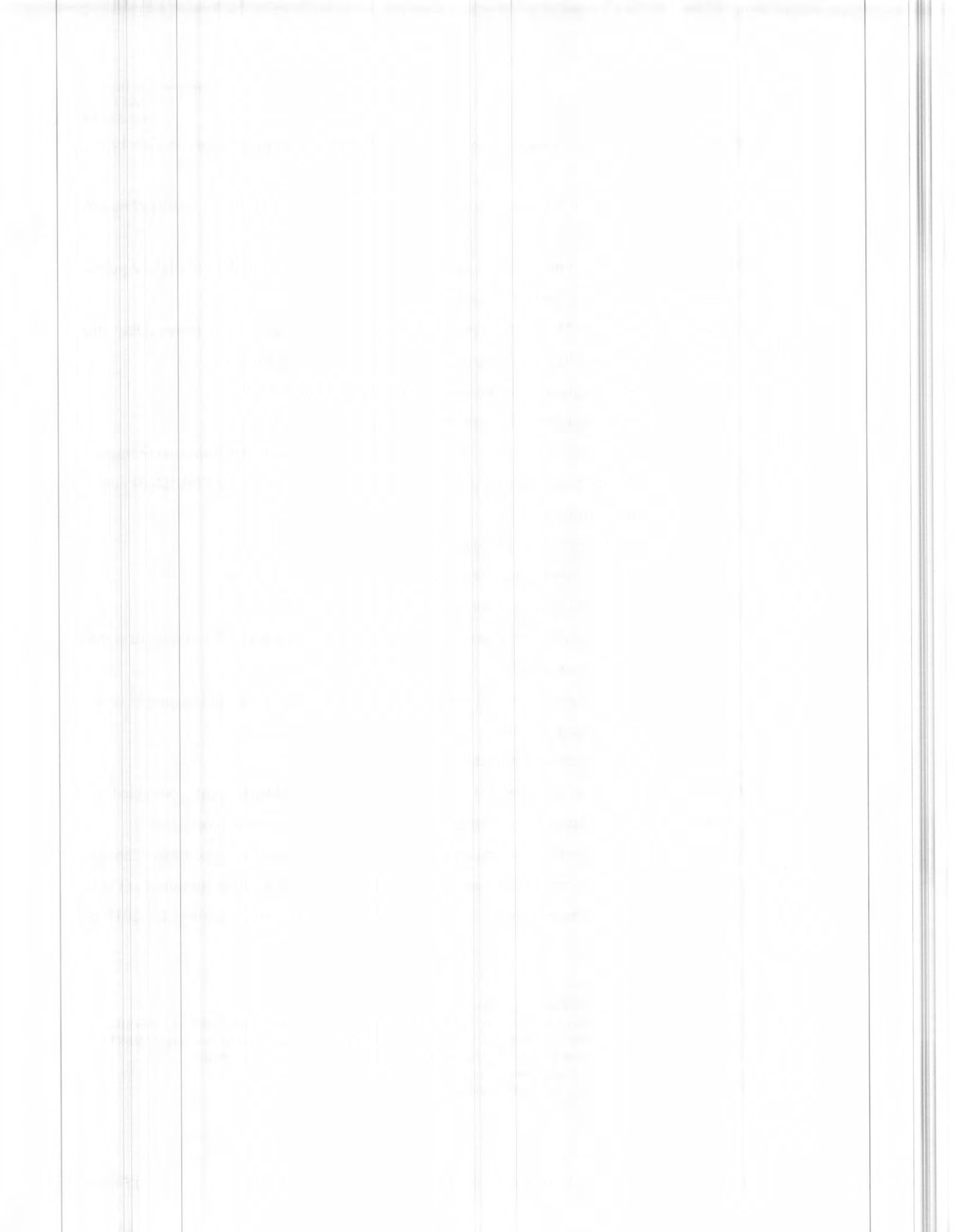
- 1 2. Appellant is self-employed as the owner and operator of Saipan Taxi Service in the  
2 CNMI.<sup>7</sup>
- 3 3. Before the pandemic, Appellant regularly made approximately \$1,000 to 1,500 per month  
4 as a taxi driver.
- 5 4. Due to a lack of incoming tourists and transportation needs during the COVID-19 public  
6 health emergency, Appellant's business slowed.<sup>8</sup>
- 7 5. On or around June 21, 2020, Appellant hired an unknown third party to complete and  
8 submit his PUA application.<sup>9</sup> Appellant's application falsely claimed:
  - 9 a. He is a Bangladesh citizen authorized to work in the CNMI;
  - 10 b. He received a notice of termination on February 2, 2020;
  - 11 c. His employment was affected by COVID-19 when he was scheduled to commence  
12 employment and unable to reach the job as a direct result of the COVID-19 public  
13 health emergency;
  - 14 d. Appellant earned zero income in year 2019; and
  - 15 e. Appellant's employment was affected since February 2, 2020.
- 16 6. In submitting the initial application,<sup>10</sup> Appellant acknowledged:
  - 17 a. It is his responsibility to read and familiarize himself with the PUA benefit rights  
18 information handbook;
  - 19 b. The responses provided in his application are true, accurate, and complete under  
20 penalty of perjury; and
  - 21 c. False statements are punishable as fraud.
- 22 7. Based on the answers provided in the application, the Department conducted an  
23 investigation into Appellant's immigration status and employment authorization.
  - 24 a. The Department requested Appellant to submit documentation to substantiate his  
25 identity and employment authorization. In response, Appellant submitted: (1) his  
26 passport from the People's Republic of Bangladesh, valid February 19, 2018 to

26 <sup>7</sup> Exhibit 2 (A copy of Appellant's Business License, valid from 2020 to 2023).

27 <sup>8</sup> Appellant makes conflicting claims of when his income was affected. Appellant application shows he was affected  
28 since February 2020 with zero income starting 2019. However, Appellant's testimony claims that was incorrect and  
his income was only affected starting June 2020. Neither the sworn statements were found credible.

<sup>9</sup> Exhibit 1 (A copy of Appellant's Application Snapshot, filed June 21, 2020).

<sup>10</sup> Exhibit 1 (A copy of Appellant's Application Snapshot, filed June 21, 2020).



1 February 18, 2023;<sup>11</sup> (2) Employment Authorization Card under Category C11,  
2 valid from March 19, 2018 to June 29, 2019;<sup>12</sup> and (3) a USCIS Notice denying  
3 his extension for re-parole, which expired October 28, 2019.<sup>13</sup>

4 b. On December 18, 2020, the Department entered Appellant's information into the  
5 Systematic Alien Verification for Entitlements (SAVE) database maintained by  
6 USCIS, Verification Division. The SAVE results<sup>14</sup> indicate that Appellant did not  
7 have employment authorization after June 29, 2019.

8 c. Appellant's subsequent application for employment authorization was denied.<sup>15</sup>

9 8. On June 27, 2023, the Department issued a Disqualifying Determination.<sup>16</sup> The  
10 Disqualifying Determination provided:

11 a. Appellant failed to show that he is a US Citizen, Non-Citizen National, or a  
12 Qualified Alien;

13 b. Appellant was disqualified from December 27, 2020 to September 4, 2021; and

14 c. Appellant's ten-day deadline to appeal was July 7, 2023.

15 9. The Disqualifying Determination was served to Appellant through the online portal  
16 internal message and personal email. After serving the Disqualifying Determination, the  
17 Department called Appellant to notify him that the Determination was available online  
18 and at their office.

19 10. On July 26, 2023, Appellant filed a request for reconsideration.<sup>17</sup> Appellant continued to  
20 claim he was a qualified alien but did not provide additional documents to prove his claim.

21 11. On July 27, 2023, the Department issued a Redetermination<sup>18</sup> that reaffirmed their  
22 findings in the June 27th Determination. The Redetermination provided:

23 a. Appellant failed to show that he is a US Citizen, Non-Citizen National, or a  
24 Qualified Alien;

25 b. Appellant was disqualified from December 27, 2020 to September 4, 2021; and

26 <sup>11</sup> Exhibit 3 (A copy of Appellant's Passport, valid from February 19, 2018 to February 18, 2023).

27 <sup>12</sup> Exhibit 4 (A copy of Appellant's EAD Card, valid from March 19, 2018 to June 29, 2019).

28 <sup>13</sup> Exhibit 5 (A copy of Appellant's USCIS Notice, dated April 2, 2020).

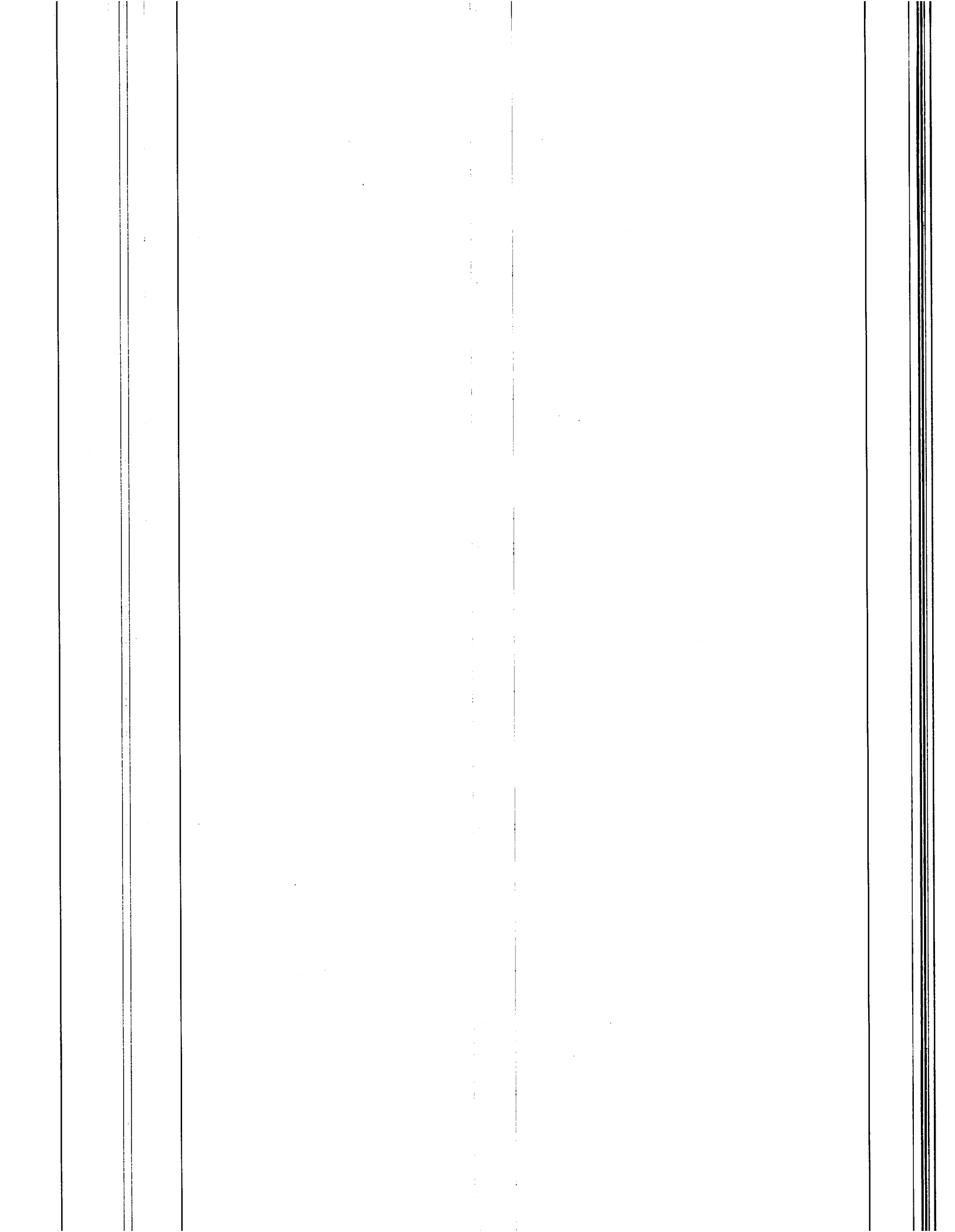
<sup>14</sup> Exhibit 6 (A copy of Department's SAVE Response, initiated on December 18, 2020).

<sup>15</sup> Exhibit 7 (A copy of Appellant's USCIS Rejection Notice, dated April 5, 2022).

<sup>16</sup> Exhibit 8 (A copy of Department's Disqualifying Determination, dated June 27, 2023).

<sup>17</sup> Exhibit 9 (A copy of Appellant's Request for Reconsideration, dated July 26, 2023).

<sup>18</sup> Exhibit 10 (A copy of Department's Redetermination, dated July 27, 2023).



1 c. Appellant's ten-day deadline to appeal was August 6, 2023.

2 12. The Redetermination was served to Appellant in the same manner stated above.<sup>19</sup>

3 13. Department notified Appellant of his appeal rights.

4 a. The appeal deadline and appeal rights were included on the Disqualifying  
5 Determination<sup>20</sup> and Redetermination.<sup>21</sup>

6 b. The appeal rights and instructions were included on the Appeal Forms and other  
7 resources, publicly available on the Department website.

8 c. The appeal rights, deadline, and instructions were advertised in news articles  
9 generally circulated in Saipan.<sup>22</sup>

10 d. The appeal deadline and appeal rights were included in the Benefit Rights  
11 Information Handbook<sup>23</sup>—which claimants are responsible for reading.

12 14. Appellant did not receive any unemployment benefits.<sup>24</sup>

13 15. On August 14, 2023, Appellant filed an appeal for the June 27, 2023 Disqualifying  
14 Determination.<sup>25</sup>

15 a. In his appeal, Appellant argues he is a qualified alien because his ex-wife and adult  
16 child are U.S Citizen.

17 b. Appellant does not indicate why the appeal was filed after the 10-day deadline.  
18 During the hearing, Appellant claimed he filed after the 10-day deadline because  
19 he had difficulty retrieving the decision and limited access to a computer.

20 c. Appellant provide no additional evidence to contest the Department's findings.

21 ///

22 ///

23 ///

24 ///

25 ///

26 <sup>19</sup> Exhibit 11 (A copy of Department's Case Notes, created July 7, 2023 and July 27, 2023).

27 <sup>20</sup> Exhibit 8 (A copy of Department's Disqualifying Determination, dated June 27, 2023).

28 <sup>21</sup> Exhibit 10 (A copy of Department's Redetermination, dated July 27, 2023).

<sup>22</sup> Exhibit 12 (A copy of News Articles, dated October 15, 2020 and October 16, 2020).

<sup>23</sup> Exhibit 13 (A copy of Department's Benefits Rights Information Handbook).

<sup>24</sup> Exhibit 14 (A copy of BPC's email communication, dated October 24, 2023).

<sup>25</sup> The June 27, 2023 Disqualifying Determination was superseded by the July 27, 2023 Redetermination. Appellant mistakenly filed an appeal for the wrong decision. Without objection from the Department, the appeal was amended to contest the July 27, 2023 Redetermination.

## VI. CONCLUSIONS OF LAW

1 In consideration of the above-stated findings and applicable law,<sup>26</sup> the undersigned issues  
2 the following conclusions of law:

### 3 **A. Appellant's appeal was timely filed.**

4 An appeal should be filed within ten days after the Notice of Determination was issued or  
5 served to the claimant. HI. Rev. Statute § 383-38(a). However, the deadline to file an appeal may  
6 be extended to 30 days by a showing of good cause. HAR § 12-5-81(j). Good cause means: (1)  
7 illness or disability; (2) keeping an appointment for a job interview; (3) attending a funeral of a  
8 family member; and (4) any other reason which would prevent a reasonable person from  
9 complying as directed. *Id.*

10 On July 27, 2023, the Department issued and served a Redetermination, disqualifying  
11 Appellant for benefits from December 27, 2020 to September 4, 2021.<sup>27</sup> As stated therein,  
12 Appellant's deadline to appeal was August 6, 2023. Appellant filed his appeal approximately one  
13 week late on August 14, 2023.<sup>28</sup> Considering Appellant's limited understanding, lack of computer  
14 access, and lack of transportation, Appellant is entitled to a good cause extension of 30 days.  
Accordingly, Appellant's appeal is timely filed.

### 15 **B. Appellant is not a U.S. Citizen, Non-Citizen National, or Qualified Alien eligible for** 16 **public assistance.**

17 Pandemic Unemployment Assistance is considered a federal public benefit, as defined by 8  
18 USC § 1611(c). In order to receive a federal public benefit, the claimant must be a U.S Citizen,  
19 Non-Citizen National, or Qualified Alien at the time relevant to the claim. 8 USC § 1611(a). A  
20 "Qualified Alien" is defined as:

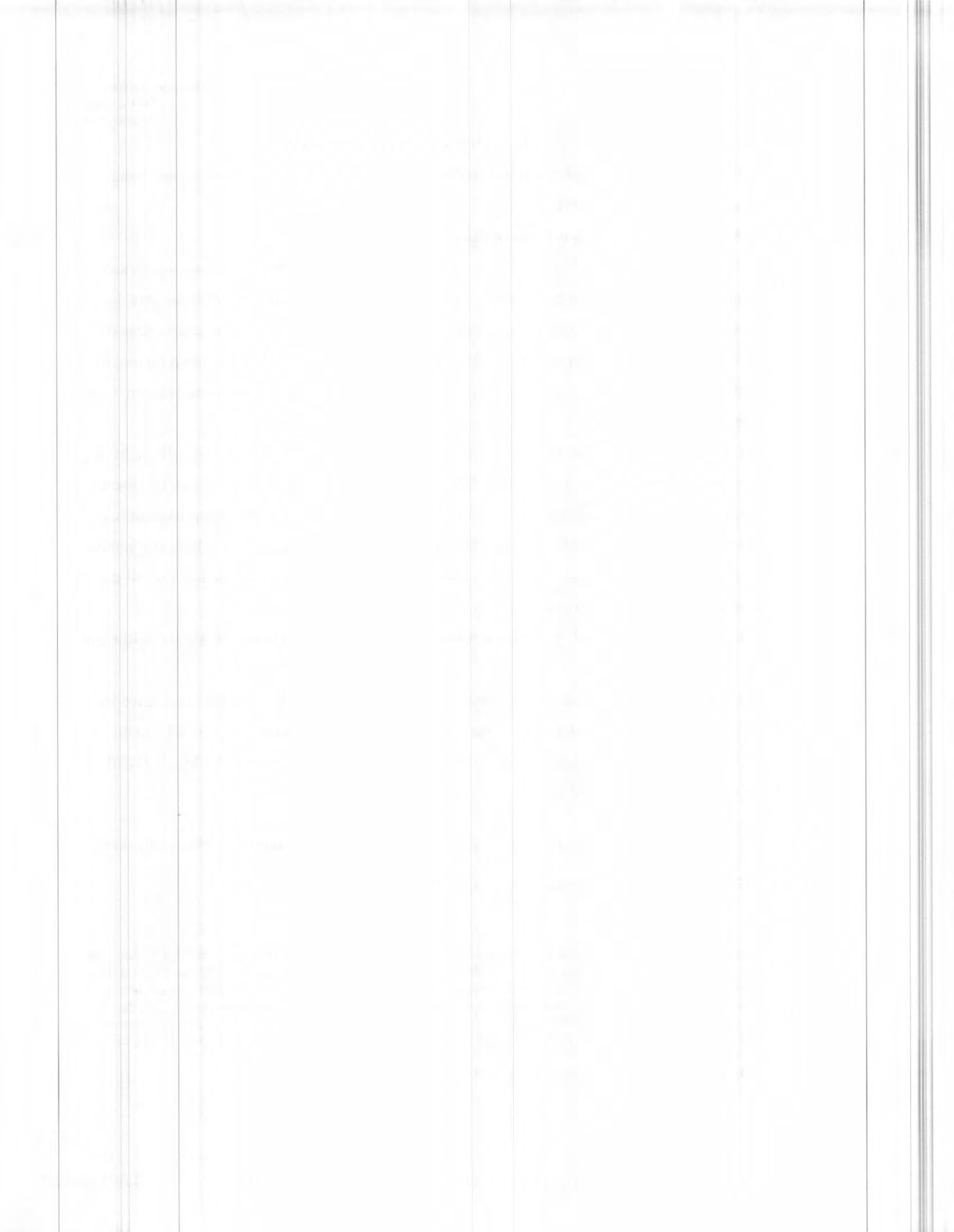
- 21 1. An alien admitted for permanent residence under the Immigration and Nationality Act  
22 (INA);
- 23 2. An alien granted asylum under § 208 of the INA;

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24  
25 <sup>26</sup> Generally, PUA determinations are made based on a combination of federal and state law. The CARES Act (Pub.  
L. No. 116-136), the Continued Assistance Act (Pub. L. No. 116-260 § 201), and the American Rescue Plan Act (Pub.  
L. No. 117-2), which funded and created the program, were codified under 15 USCA § 9021. Unless otherwise  
26 provided by statute, the Disaster Unemployment Assistance (DUA) program regulations under 20 CFR Part 625  
27 applies to the PUA program. 15 USCA § 9021(h). As stated therein, the applicable state law in the Commonwealth  
of the Northern Mariana Islands is Hawaii Employment Security Law. 20 CFR §§ 652.2 and 625.11; *see also* 15  
USCA § 9021(c).

28 <sup>27</sup> Exhibit 10 (A copy of Department's Redetermination, dated July 27, 2023).

<sup>28</sup> *See* Appeal Filing.



3. A refugee admitted to the US under § 207 of the INA;
4. An alien paroled into the US under § 212(d)(5) of the INA for at least one year;
5. An alien whose deportation is being withheld under § 243(h) of the INA ... or whose removal is being withheld under § 241 (b)(3) of the INA;
6. An alien granted conditional entry pursuant to § 203 (a)(7) of the INA;
7. An alien who is a Cuban or Haitian entrant as defined in § 501(e) of the Refugee Education Assistance Act of 1980; or
8. An alien who (or whose child or parent) has been battered or subject to extreme cruelty in the U.S. and otherwise satisfies the requirements of § 431(c) of the Act.

8 USC §1641. For purposes of PUA, Commonwealth Only Transitional Workers (CW-1) may be eligible to receive benefits for claims filed after December 27, 2020,<sup>29</sup> provided all other eligibility requirements are met.<sup>30</sup>

Appellant did not provide sufficient documentation to prove he is a U.S. Citizen, Non-Citizen National, or Qualified Alien authorized to work in the CNMI during the contested period. Based on the documents provided, Appellant is a citizen of the People's Republic of Bangladesh<sup>31</sup> who held parole status until October 28, 2019<sup>32</sup> and employment authorization until June 29, 2019.<sup>33</sup> Based on the documents provided and the USCIS SAVE results,<sup>34</sup> Appellant was living and working in the CNMI without status or authorization since 2019. For that reason, Appellant is not eligible for federal unemployment benefits.

**C. Appellant is not a “covered individual” eligible for PUA benefits.**

Pandemic unemployment assistance is available to covered individuals, for up to 79 weeks from January 27, 2020 to September 6, 2021, so long as their unemployment, partial unemployment, or inability to work was caused by COVID-19. 15 USCA § 9021. A “covered individual” is someone who: (1) is not eligible for regular compensation or extended benefits under State or Federal Law; (2) self-certifies he or she is able to work and *available for work* but is unemployed, partially unemployed, unable or unavailable to work as a direct result of COVID-

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<sup>29</sup> Based on the defined work weeks, claims filed after December 27, 2020 refers to claims for weeks on or before January 3, 2021. See 20 C.F.R. § 625.2; Haw. Code R. § 12-5-1.

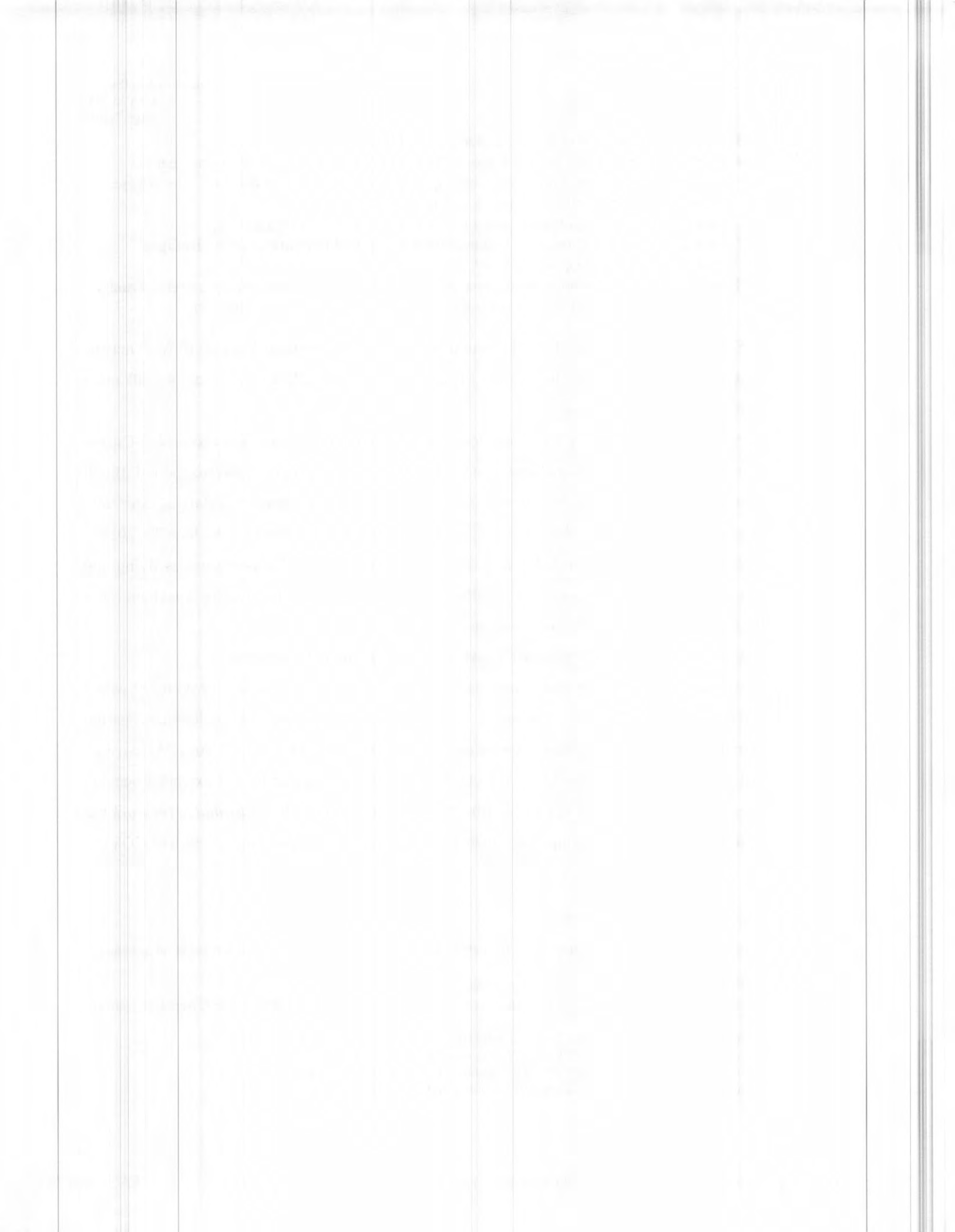
<sup>30</sup> See Pub. L. No. 116-260; See also Unemployment Insurance Program Letter 16-20, change 4, page 1-16 (January 8, 2021).

<sup>31</sup> Exhibit 3 (A copy of Appellant's Passport, valid from February 19, 2018 to February 18, 2023).

<sup>32</sup> Exhibit 5 (A copy of Appellant's USCIS Notice, dated April 2, 2020).

<sup>33</sup> Exhibit 4 (A copy of Appellant's EAD Card, valid from March 19, 2018 to June 29, 2019).

<sup>34</sup> Exhibit 6 (A copy of Department's SAVE Response, initiated on December 18, 2020).



1 19; and (3) timely provides documentation to substantiate employment, self-employment, or  
2 planned commencement of employment. 15 USCA § 9021 (a)(3)(A) (emphasis added).

3 As stated above, an individual must be available to work. 15 USCA § 9021(a)(3)(A)(ii). “An  
4 individual shall be deemed available for work only if the individual is ready and willing to accept  
5 employment for which the individual is reasonably fitted by training and experience. The  
6 individual must intend and wish to work, and there must be no undue restrictions either self-  
7 imposed or created by force of circumstances which prevent the individual from accepting  
8 employment.” HAR § 12-5-35(a)(2) and (b). Also, the individual must “be willing to accept the  
9 wages and hours and days of employment that are prevailing or customary in the community in  
10 which the individual is seeking work. . . .” *Id.*

11 Appellant was not available to work because he lacked employment authorization. As  
12 discussed above, Appellant did not have authorization to work in the CNMI after June 2019.<sup>35</sup>  
13 Without employment authorization, Appellant could not legally perform work in the CNMI.  
14 Because Appellant could not legally work, Appellant was not considered available to work, as  
15 defined by state law. Accordingly, Appellant was not a covered individual eligible for PUA  
16 benefits.

17 **D. Appellant committed fraud and should be disqualified from receiving benefits.**

18 A person who knowingly misrepresents or conceals a material fact in order to obtain benefits  
19 commits fraud. 20 CFR § 625.14. A claimant who commits fraud in the initial application is  
20 disqualified to receive benefits during the entire pandemic assistance period. 20 CFR §  
21 625.14(i)(1). A claimant who commits fraud in the weekly certifications for that week and the  
22 following two compensable weeks during the pandemic assistance period. 20 CFR § 625.14(i)(2).  
23 Additionally, the claimant may be held liable for criminal prosecution and penalties under state  
24 or federal law. 20 CFR § 625.14 (j).

25 Appellant committed fraud. On or around June 21, 2020, Appellant submitted his initial  
26 application, by and through an unknown third party. In submitting the application, Appellant  
27 acknowledged: (1) it is his responsibility to read and familiarize himself with the PUA benefit rights  
28 information handbook; (2) The responses provided in his application are true, accurate, and

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<sup>35</sup> Exhibit 4 (A copy of Appellant’s EAD Card, valid from March 19, 2018 to June 29, 2019); Exhibit 7 (A copy of Appellant’s USCIS Rejection Notice, dated April 5, 2022).

Year	Month	Day	Event	Location	Notes
1950	Jan	1	...	...	...
1950	Jan	2	...	...	...
1950	Jan	3	...	...	...
1950	Jan	4	...	...	...
1950	Jan	5	...	...	...
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1950	Jan	8	...	...	...
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1950	Jan	10	...	...	...
1950	Jan	11	...	...	...
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1950	Apr	30	...	...	...

1 complete under penalty of perjury; and (3) False statements are punishable as fraud.<sup>36</sup>  
2 Nonetheless, Appellant application has multiple false statements.<sup>37</sup> First, Appellant claimed he  
3 has authorization to work in the CNMI. However, Appellant knew this to be false because: (1)  
4 his employment authorization was invalidated the previous year,<sup>38</sup> and (2) his request for re-  
5 parole was rejected months prior.<sup>39</sup> Second, Appellant claimed he received a notice of termination  
6 and his employment was affected when he was scheduled to commence employment but could  
7 not reach his place of employment. Notably, during the hearing, Appellant presented conflicting  
8 testimony about how COVID-19 affected his employment. While it is unclear whether Appellant  
9 meets any other COVID-19 qualifying reason, the statement in his application is false. Third,  
10 Appellant claimed his employment was affected since February 2020. Further, Appellant claimed  
11 he made zero income in 2019. However, upon inquiry, Appellant testified that he was making his  
12 usual pay of \$1,000 to \$1,500 per month until June 2020.

13 In sum, Appellant knowingly misrepresented his employment authorization, how the COVID-  
14 19 public health emergency affected his employment, and when the COVID-19 public health  
15 emergency affected his employment. Because the fraud occurred in his initial application,  
16 Appellant is disqualified from receiving PUA benefits during the entire pandemic assistance  
17 period.

## 18 VII. DECISION

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

- 20 1. The CNMI Department of Labor's Disqualifying Determination, dated June 27, 2023 is  
21 **AFFIRMED**;
- 22 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of December  
23 27, 2020 to September 4, 2021.
- 24 3. Appellant committed **FRAUD** and is **DISQUALIFIED** to receive PUA benefits for the  
25 entire pandemic assistance period.

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

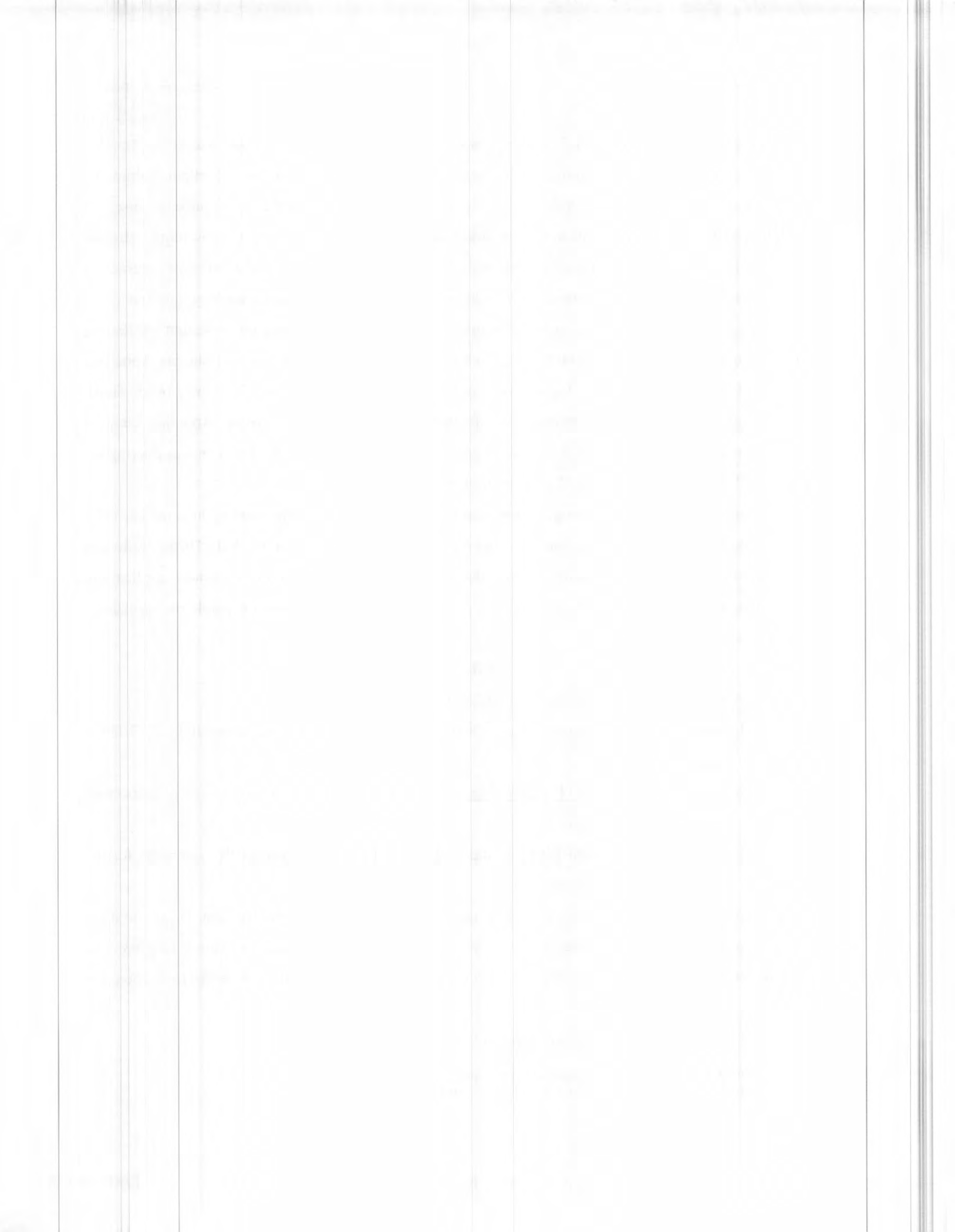
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<sup>36</sup> Exhibit 1 (A copy of Appellant's Application Snapshot, filed June 21, 2020).

<sup>37</sup> *Id.*

<sup>38</sup> Exhibit 4 (A copy of Appellant's EAD Card, valid from March 19, 2018 to June 29, 2019).

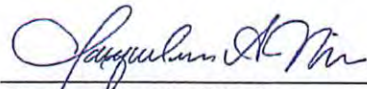
<sup>39</sup> Exhibit 5 (A copy of Appellant's USCIS Notice, dated April 2, 2020).



1 decision. The written request must be submitted to the Administrative Hearing Office, either in  
2 person at 1331 Ascencion Drive, Capitol Hill Saipan MP 96950 or via email at  
3 hearing@dol.gov.mp.

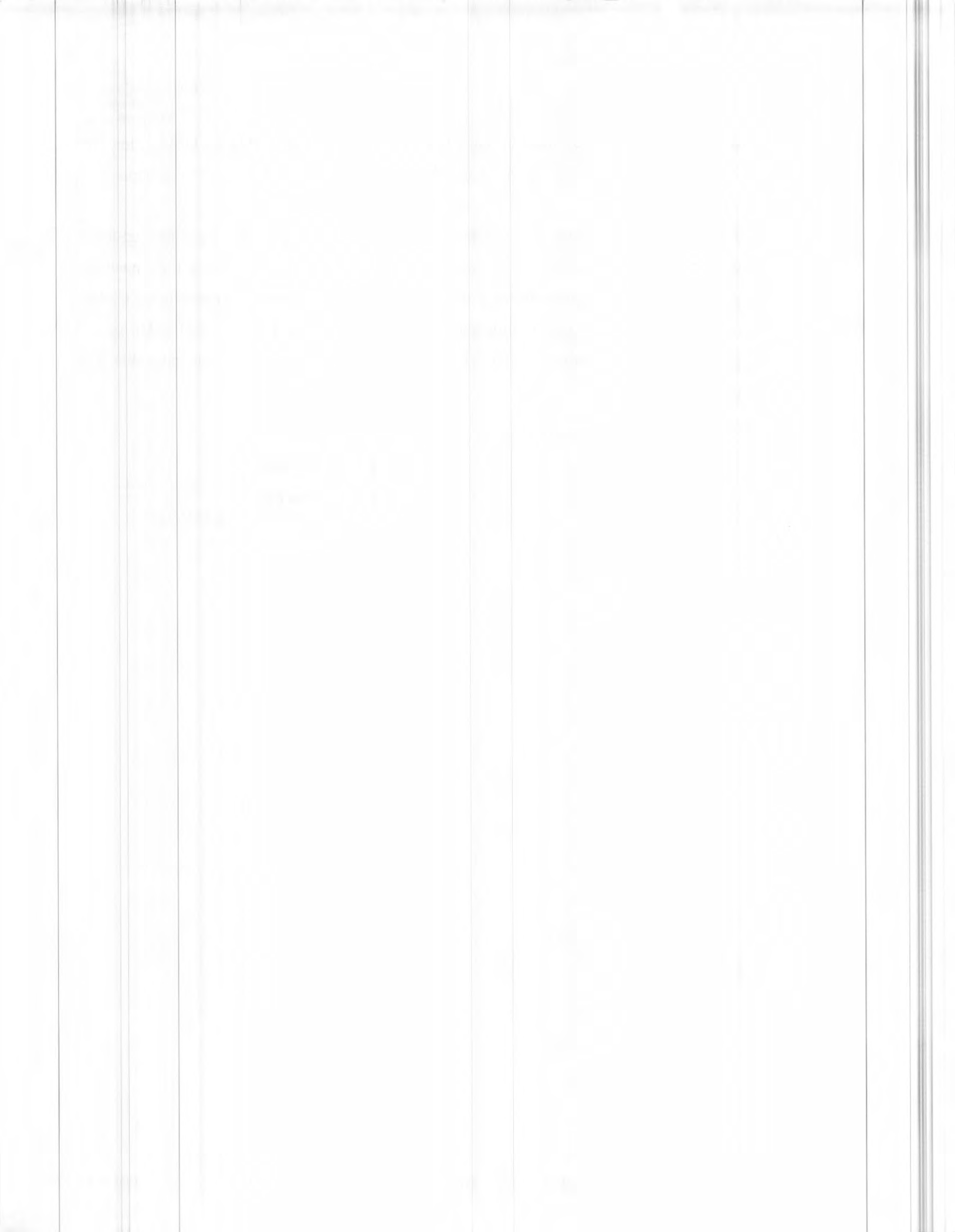
4 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
5 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
6 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
7 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 **8th** day of July, 2024.



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**Jacqueline A. Nicolas**  
Chief Administrative Hearing Officer





CNMI DEPARTMENT OF LABOR

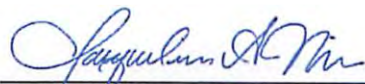
ADMINISTRATIVE  
HEARING OFFICE

In Re Matter of:	)	PUA Case No. 23-0253
	)	
Jenifer Pangelinan,	)	
	)	
Appellant,	)	<b>ORDER GRANTING PARTIES'</b>
	)	<b>REQUEST FOR DISMISSAL</b>
v.	)	
	)	
CNMI Department of Labor,	)	
	)	
Appellee.	)	

On July 11, 2024, Appellant filed a request to dismiss the above-captioned matter. Upon review, the parties were ordered to clarify the basis for dismissal. On July 15, 2024, the parties stated: (1) Appellant was re-qualified for a part of the denial period; (2) Appellant does not contest the remaining denial period; and (3) there are no overpayment issues to resolve. Supporting documents were included in support of their request.

Upon review, the undersigned finds dismissal is appropriate. Accordingly, the Parties' Request for Dismissal is **GRANTED**. Further, the July 18, 2024 Administrative Hearing is **VACATED** and shall be taken off calendar. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **16th** day of July, 2024.

  
 \_\_\_\_\_  
**JACQUELINE A. NICOLAS**  
 Chief Administrative Hearing Officer

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CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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In Re Matter of:	)	PUA Case No. 23-0256
	)	
Francisco Rabauliman,	)	
	)	
Appellant,	)	ADMINISTRATIVE DECISION
	)	GRANTING APPELLANT'S REQUEST
v.	)	FOR DISMISSAL
	)	
CNMI Department of Labor,	)	
	)	
Appellee.	)	

On July 16, 2024, Appellant filed a written request to voluntarily dismiss his appeal stating he no longer wants to pursue the appeal. The Department does not oppose the dismissal.

In consideration of the above, there are no issues for the undersigned to resolve and the undersigned finds that dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED**. Further, the August 1, 2024 Administrative Hearing is **VACATED** and shall be taken off calendar. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **16th** day of July, 2024.

JACQUELINE A. NICOLAS  
Chief Administrative Hearing Officer

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 10

STATISTICAL MECHANICS

ENTROPY

AND THE SECOND LAW

OF THERMODYNAMICS

PROFESSOR JOHN S. VAUGHAN

LECTURE 10

STATISTICAL MECHANICS

ENTROPY

AND THE SECOND LAW

OF THERMODYNAMICS

PROFESSOR JOHN S. VAUGHAN

LECTURE 10

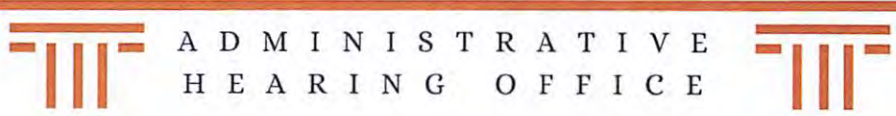
STATISTICAL MECHANICS

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CNMI DEPARTMENT OF LABOR



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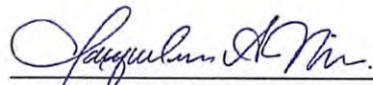
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In Re Matter of:	)	PUA Case No. 24-0289
	)	
Elena D. Sol,	)	
	)	
Appellant,	)	ADMINISTRATIVE DECISION
	)	GRANTING APPELLANT'S REQUEST
v.	)	FOR DISMISSAL
	)	
CNMI Department of Labor,	)	
	)	
Appellee.	)	
	)	

On June 28, 2024, Appellant filed a written request to voluntarily dismiss her appeal stating she no longer wants to pursue the appeal. The Department does not oppose the dismissal.

In consideration of the above, there are no issues for the undersigned to resolve and the undersigned finds that dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED**. Further, the June 26, 2025 Administrative Hearing is **VACATED** and shall be taken off calendar. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **1st** day of July, 2024.

  
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**JACQUELINE A. NICOLAS**  
 Chief Administrative Hearing Officer

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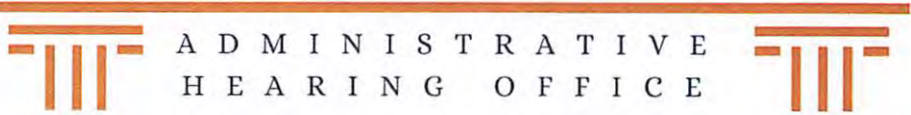
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CNMI DEPARTMENT OF LABOR



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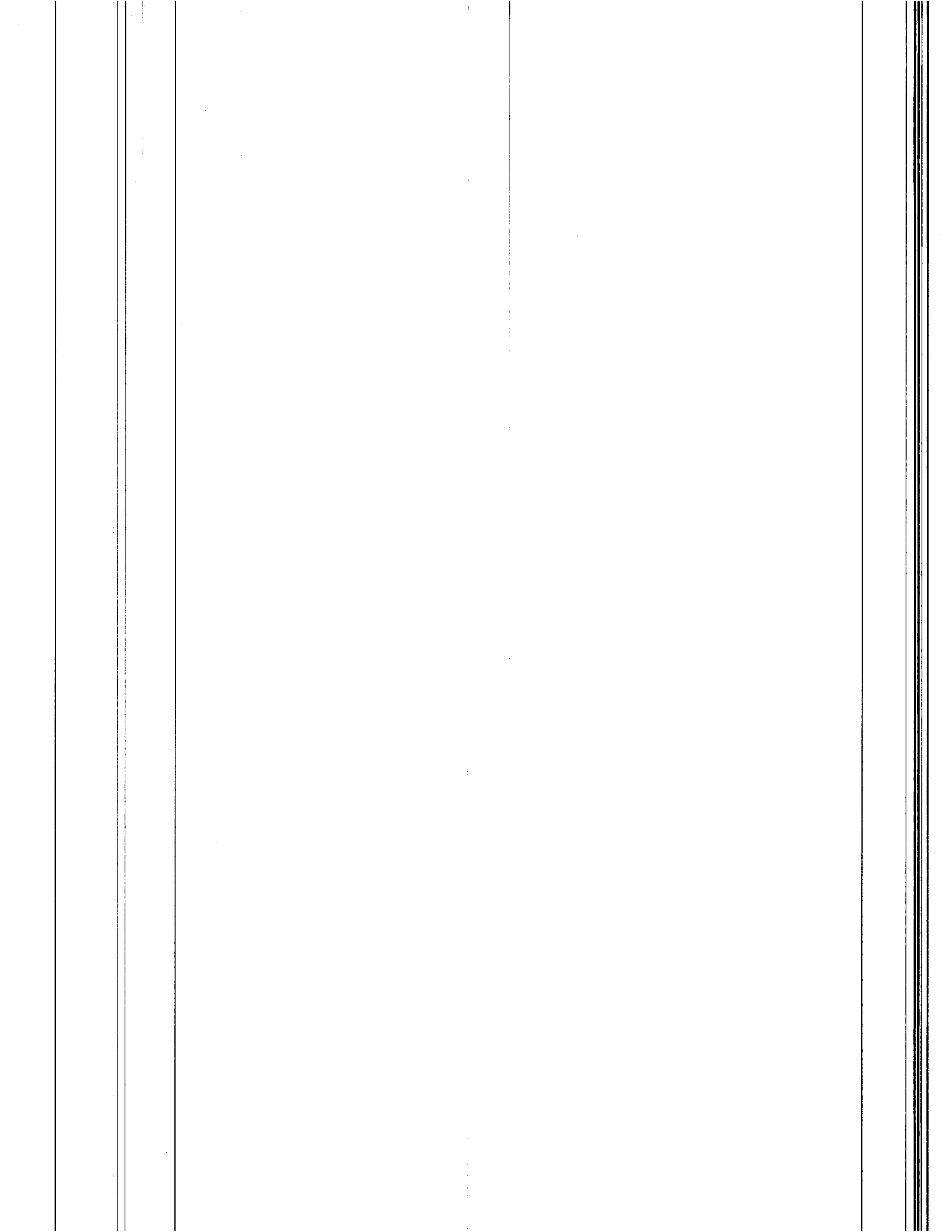
In Re Matter of:	)	PUA Case No. 24-0290
	)	
Aca Xie,	)	
	)	
Appellant,	)	ADMINISTRATIVE DECISION
	)	GRANTING APPELLANT'S REQUEST
v.	)	FOR DISMISSAL
	)	
CNMI Department of Labor,	)	
	)	
	)	
Appellee.	)	

On June 21, 2024, Appellant filed a written request to voluntarily dismiss his appeal stating he no longer wants to pursue the appeal and expressed his intent to pursue reconsideration instead. The Department does not oppose the dismissal.

In consideration of the above, the undersigned finds that dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the July 10, 2025 Administrative Hearing is **VACATED** and taken off calendar. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **24th** day of June, 2024.

**JACQUELINE A. NICOLAS**  
Chief Administrative Hearing Officer





CNMI DEPARTMENT OF LABOR

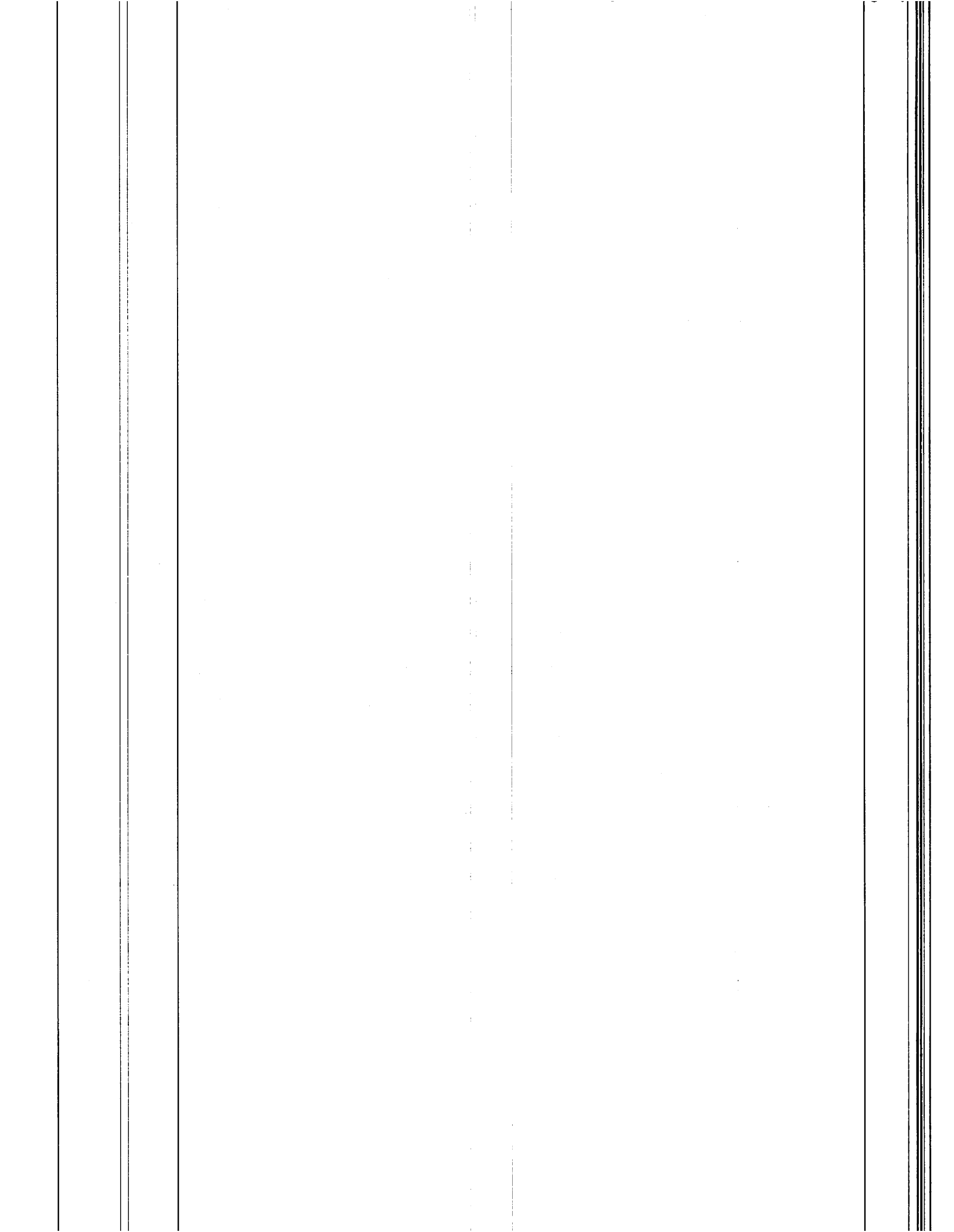
ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	Labor Case No. 24-001(R)
	)	
Andres Jose M. Santos,	)	
	)	
Complainant,	)	
	)	ADMINISTRATIVE DECISION
v.	)	DISMISSING COMPLAINT FOR
	)	FAILURE TO STATE A CLAIM
NMI Asset Acquisition Inc.,	)	
	)	
Respondent.	)	

Pursuant to 3 CMC § 4947(a), “the hearing officer may, after notice and an opportunity to be heard is provided to the parties, dismiss *sua sponte* a complaint that the hearing officer finds to be without merit.” Pursuant to NMIAC § 80-20.2-130(c), dismissal is warranted on the following grounds: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) insufficiency of process; (4) insufficiency of service of process; and (5) failure to state a claim upon which relief can be granted. *See also* NMIAC § 80-20.1-485(b).

On May 16, 2024, Complainant, through his mother and authorized representative, filed a complaint against Respondent. Complainant claims that Respondent falsified resignation records and seeks money damages for time separated from Respondent. After reviewing the Complaint and supporting documents, Complainant was ordered to show cause why the Complaint should not be dismissed for failure to state a claim upon which relief could be granted.

The Order to Show Cause served as notice of the deficiency in the complaint and provided Complainant an opportunity to respond in writing. Specifically, the Order to Show Cause stated that the information provided does not show a violation of applicable labor law or Complainant’s entitlement to money damages.




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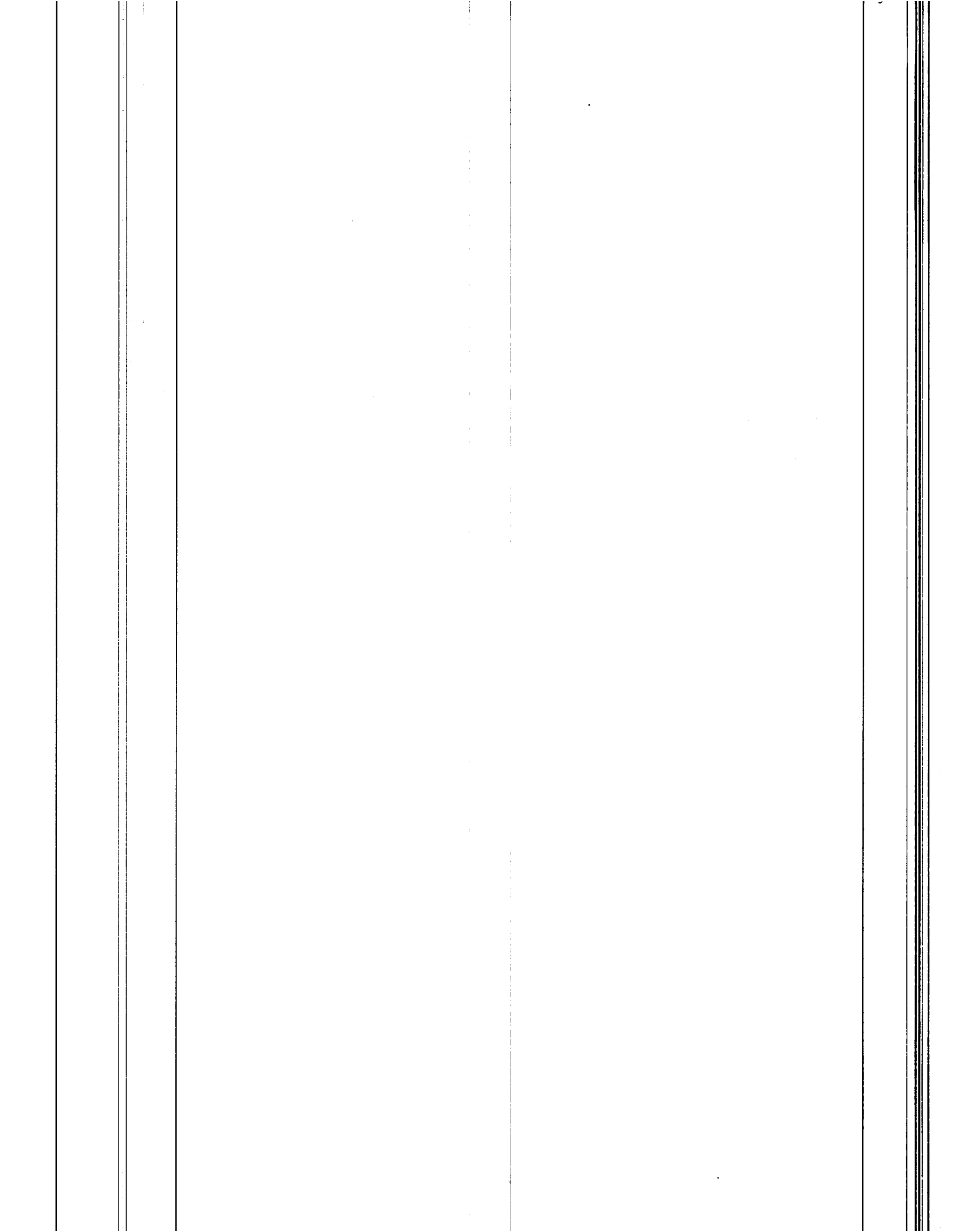
In response to the Order to Show Cause, Complainant failed to provide any additional information to address the above-stated deficiency. While the undersigned recognizes that Complainant has a dispute with Respondent over the termination, the dispute, as alleged, does not rise to a violation of law entitling Complainant to money damages in this Office.

Accordingly, Complainant failed to show cause why the claims against Respondent should not be dismissed for failure to state a claim. For that reason, the complaint lacks merit and dismissal is appropriate. Pursuant to 3 CMC § 4947(a), this matter is hereby **DISMISSED**.

Any person or party aggrieved by this Order may appeal by filing the Secretary Appeal Form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.

So ordered this **26th** day of June, 2024.

  
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**JACQUELINE A. NICOLAS**  
Chief Administrative Hearing Officer





CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

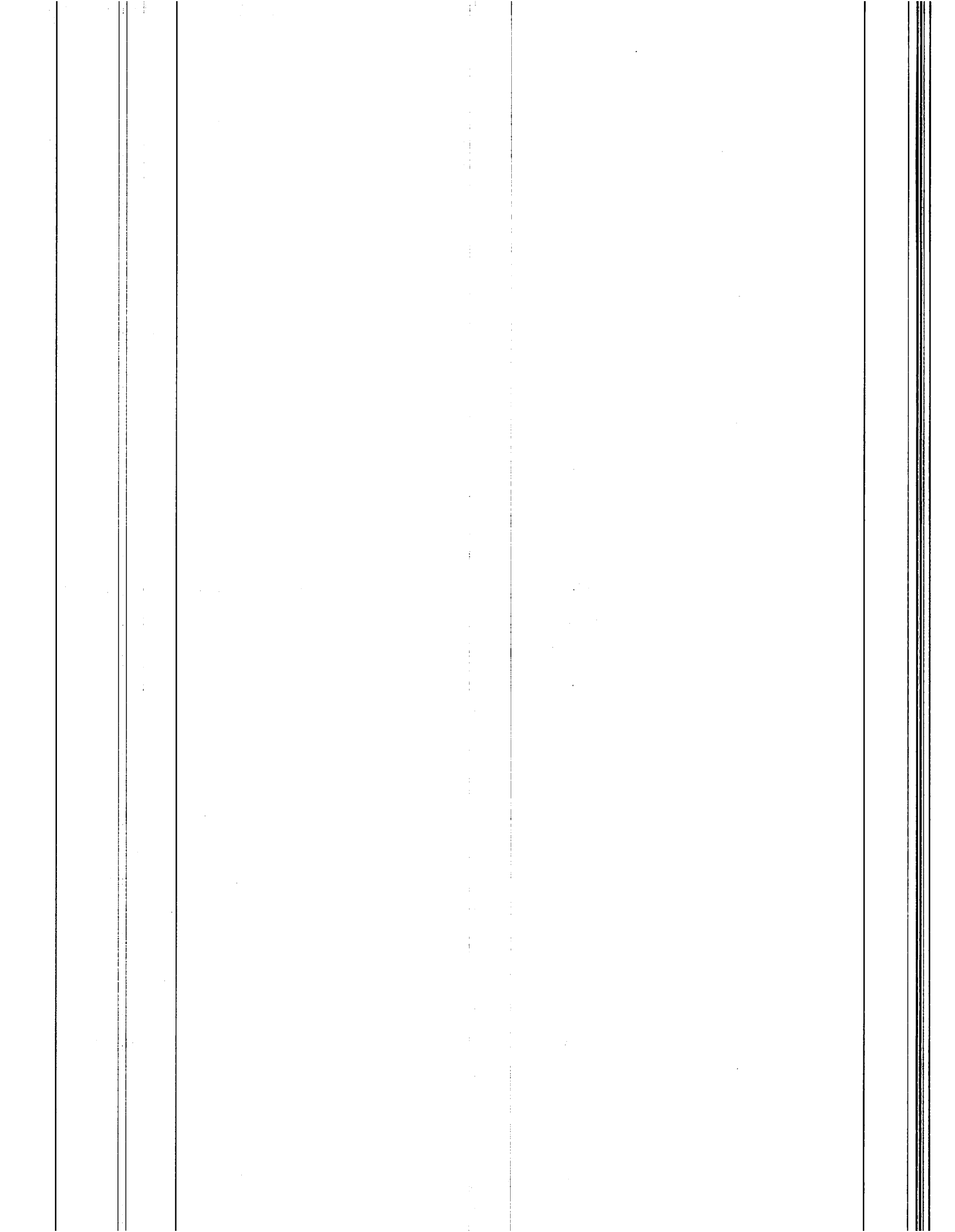
In Re Matter of:	)	<b>Labor Case No. 24-002</b>
	)	
MD Mijanur Rahman Bhuiyan,	)	
	)	
Complainant,	)	<b>ORDER GRANTING RESPONDENT'S</b>
	)	<b>MOTION TO DISMISS</b>
v.	)	
	)	
JRB Corporation,	)	
	)	
Respondent.	)	

I. INTRODUCTION

On May 29, 2024, Complainant initiated a labor case against Respondent for unpaid wages and unpaid overtime. In support of the Complaint, Complainant included two CW-1 Petition Approval Notices, an employment contract, and a handwritten list of his alleged work schedule. On June 10, 2024, Respondent filed a motion to dismiss the Complaint as untimely. Upon review, Complainant was ordered to show cause why the above-captioned complaint should not be dismissed.

II. APPLICABLE LAW

Pursuant to 3 CMC § 4947(a), a hearing officer may, after notice and an opportunity to be heard, dismiss a complaint that lacks merit. The NMI Administrative Code provides that dismissal is appropriate when the complaint fails to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c). A complaint fails to state a claim when it is untimely or time-barred. "No complaint may be filed more than six months after the date of the last-occurring event that is the subject of the complaint, except in cases where the actionable conduct was not discoverable upon the last-occurring event." 3 CMC § 4962(b). In such instance, no complaint may be filed more than six months after the date a complainant of reasonable diligence could have discovered the actionable conduct. "If the complaint is not timely filed, the hearing officer shall dismiss the complaint with prejudice." NMIAC § 80-20.1-465(e).



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### III. DISCUSSION

Complainant was a foreign national who worked in the CNMI as a CNMI-Only Transitional Worker (CW-1). Complainant was authorized to work for JRB Corporation from March 31, 2022 to September 30, 2023. Complainant worked full time as a Security Guard for JRB Corporation from July 31, 2022 to April 22, 2023. Complainant was supposed to be paid bi-weekly at the hourly rate of \$7.70. Based on the allegations, Complainant resigned because he was not paid his full wages and overtime.

Based on the facts alleged in the Complaint and supporting documents, the undersigned finds that the claims for unpaid wages and overtime was filed more than six months after the underlying cause of action. The underlying claim occurred sometime between July 31, 2022 to April 22, 2023. The last occurring event was April 22, 2023. Nonetheless, Complainant did not file his Complaint until May 29, 2024 – over one year later.

Upon review, the undersigned finds that Complainant fails to show cause why the Complaint should not be dismissed. In response to the Order to Show Cause, Complainant indicates that: (1) he made multiple requests for payment and (2) decided to quit when he wasn't paid his wages. Additionally, Complainant explains that he sought legal assistance and was told to file a complaint. This indicates that Complainant knew he was entitled to wages sometime before April 22, 2023 and knew he should have filed a complaint. Ultimately, there is no showing that Complainant acted with reasonable diligence.

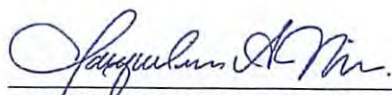
In consideration of above, the Complaint is untimely and fails to state a claim upon which relief can be granted. Further, upon notice and opportunity to respond, the complaint lacks merit and dismissal is appropriate.

### IV. CONCLUSION

Accordingly, based on the applicable law and available information, Respondent's Motion to Dismiss is **GRANTED**. This matter is hereby **DISMISSED**.

Any person or party aggrieved by this Order may appeal by filing the Secretary Appeal Form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.

So ordered this **26th** day of June, 2024.

  
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**JACQUELINE A. NICOLAS**  
Chief Administrative Hearing Officer

