

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



COMMONWEALTH REGISTER

**VOLUME 46
NUMBER 06
JUNE 15, 2024**

COMMONWEALTH REGISTER
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EMERGENCY

Emergency Amendments to the Temporary
Occupancy Rules and Regulations
Department of Public Lands 051103

ADOPTED

Public Notice of Certification and Adoption of Regulations
Rota Casino Gaming Commission 051107

PROPOSED

Public Notice of Proposed Amendments to the
Administrative Hearing Procedures Rules and Regulations
Department of Public Lands 051109

ORDERS

Labor Case No. 23-022
Subject: Administrative Decision Dismissing Complaint
In the Matter of: Kaderi Kibria v. SPN-US Corporation
Department of Labor 051124

Labor Case No. 24-001
Subject: Administrative Decision Dismissing Complaint
For Failure to State a Claim
In the Matter of: Shemmy Borja v. MP Holdings, LLC
Department of Labor 051125

PUA Case No. 23-0238
Subject: Administrative Order Granting Departments'
Motion to Dismiss
In the Matter of: Yunpeng Zhang v. CNMI DOL
Department of Labor 051127

PUA Case No. **23-0240**
Subject: Administrative Decision Granting
 Department’s Motion to Dismiss
In the Matter of: Willy Camaddu v. CNMI DOL
Department of Labor **051128**

PUA Case No. **23-0248**
Subject: Administrative Decision Granting Appellant’s
 Request for Dismissal
In the Matter of: Frank Xuan Li v. CNMI DOL
Department of Labor **051130**

PUA Case No. **24-0286**
Subject: Administrative Decision Granting Appellant’s
 Request for Dismissal
In the Matter of: Machael Rebamba v. CNMI DOL
Department of Labor **051131**

RESOLUTION

Resolution No. 2024-005-01
Pesticide Use on Marijuana for Marijuana Producers
CNMI Cannabis Commission **051132**



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



PUBLIC NOTICE

EMERGENCY AMENDMENTS TO THE DEPARTMENT OF PUBLIC LANDS
TEMPORARY OCCUPANCY RULES AND REGULATIONS

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Department of Public Lands (DPL) finds that:

the attached Amendment to its Temporary Occupancy Rules and Regulations shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below. 1 CMC § 9104(b), (c) and 1 CMC § 9105(b)(2).

AUTHORITY: This amendment is promulgated under the authority of DPL pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

No regulation adopted is valid unless adopted in substantial compliance with this section.

1 CMC 9104(b), (c).

TERMS AND SUBSTANCE: DPL's Temporary Occupancy Rules and Regulation 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 is 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 amendment will revise existing language in the following regulation:

NMIAC § 145-70-110 Lease Agreement Requirements

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Department of Public Lands (“DPL”) has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The Department of Public Lands (DPL) finds that the public interest requires adoption of these Amendments to the Temporary Occupancy Rules and Regulations on an emergency basis, for the following reasons:

1. The public interest requires DPL to take immediate action to avoid the abandonment of leased public lands by lessees who can no longer comply with the terms of their public land leases but who could, but for the restriction in DPL’s regulations prohibiting assignment, maintain productive use of the public land by assignment to a new lessee. Avoiding abandonment of leased public lands will avoid a decrease in the asset value of DPL’s public land; avoid the increased costs to DPL of maintaining and providing security for its public lands while a new lessee can be identified by DPL; avoid a decrease in the value of surrounding real property; continue to generate revenue for DPL that is remitted to the Marianas Public Lands Trust for investment for the benefit of the Commonwealth; continue to generate business gross revenue to the Commonwealth; and retain jobs in businesses operated in the leased public lands.
2. In addition, if the infrastructure on public lands is allowed to deteriorate following abandonment, persons entering public lands could be exposed to dangerous toxins such as mold; the abandoned structures may present an attractive nuisance to the community; the proliferation of vacant and abandoned buildings could lead to an increase in crime, including theft and vandalism; and the lack of maintenance of the infrastructure and of equipment containing hazardous materials could lead to environmental contamination and risks associated with insect and vermin infestations. This presents an imminent peril to the public health, safety, and welfare.

DPL shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC § 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and the mailing under registered cover of copies thereof to the Governor. (1 CMC § 9105(b)(2)) DPL has found that this effective date is required by the public interest or is necessary because of the public interest so requires, and that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days’ notice. (*Id.*)

The attached emergency regulations were approved by DPL on June _____, 2024.

Submitted by: 
TERESITA A. SANTOS
Secretary, DPL


6/10/24
Date

Received by: 
OSCAR M. BABAUTA
Special Assistant for Administration

6/10/24
Date


Concurred by: 
ARNOLD I. PALACIOS
Governor

6/11/24
Date

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

6/13/24
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), the Emergency Amendments to the Temporary Occupancy 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

6/11/2024
Date

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.



PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF ROTA CASINO GAMING COMMISSION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
Proposed Regulations Vol. 46 No. 05 page 051081 to 051088 Published
on May 15, 2024

ACTION TO ADOPT PROPOSED REGULATIONS: The Rota Casino Gaming Commission, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register Volume 46 Number 05 pages 051081 to 051088, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104 (a). The Commissioners announced that they intended to adopt them as permanent, and now does so. *Id.* I also certify by signatures which adopted the regulations are true and complete and correct of the reference Proposed Regulations and that they have been adopted with modifications and amendments as follows:

PRIOR PUBLICATION: The prior publication was stated above. The Rota Casino Gaming Commission unanimously adopted the regulations as final at its meeting on June 11, 2024.

MODIFICATION FROM PROPOSED REGULATIONS: None.

AUTHORITY: Pursuant to the Rota Casino Act of 2007, the Rota Casino Gaming Commission was established with five (5) Commissioners granting full authority to establish its rules and regulations necessary for the establishment and operation of the Commission.

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



ROTA CASINO GAMING COMMISSION
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 POST OFFICE BOX 1547, ROTA, MP 96951
 PHONE: 1.670.532.7242
 rcc-96951@gmail.com

COMMENTS AND COMMISSION CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104 (a)(2), the Rota Casino Gaming Commission has not received any positive or negative written and/or oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the Rota Casino Gaming Commission, if requested to do so by an interested person, either prior to adoption. Please see the following pages for the Rota Casino Gaming Commission, except as otherwise provided by law.

I DECLARE under penalty of perjury that the above foregoing is true and correct and that this Declaration was executed on June 12, 2024 on Rota, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:



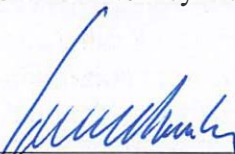
Viola Jeanne M. Hocog-Atalig, Chairwoman
Rota Casino Gaming Commission

06/12/2024

Date



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




Edward Manibusan
Attorney General

6/13/2024

Date

Filed and Recorded by:



Esther M. San Nicolas
Commonwealth Register

6.13.24

Date



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



**PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE ADMINISTRATIVE HEARING PROCEDURE 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 Administrative Hearing Procedure Rules and Regulations pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a) to clarify the role of the Secretary of DPL in the administrative hearing process.

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: Public Law 12-33 established within the Executive Branch an independent Board of Public Lands, and established an Office of Public Lands headed by a Public Lands Administrator under the control and general supervision of the Board to execute, implement, and enforce the policies, decisions, orders, rules, and regulations of the Board. The Administrative Hearing Procedure Rules and Regulations adopted December 21, 2001 provide an administrative hearing process for the Office of Public Lands. NMIAC § 145-10-005. However, PL 15-2 changed all references in the Commonwealth Code from the Office of Public Lands to the “Department of Public Lands,” and changed all references in the Commonwealth Code from the Board of Public Lands to the “Secretary of Public Lands.” The Administrative Hearing Procedure Rules and Regulations have not been updated since that time. These proposed 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.

CITATION OF AFFECTED REGULATIONS: The proposed amendments will revise existing regulatory language in the following regulations:

| | |
|--------------------|---|
| NMIAC § 145-10-001 | Authority |
| NMIAC § 145-10-005 | Purpose of Regulations |
| NMIAC § 145-10-010 | Definitions |
| NMIAC § 145-10-101 | Administrative Hearing Officer Position |
| NMIAC § 145-10-110 | Appealable Decisions of the Administrator or His/Her Designee |
| NMIAC § 145-10-115 | Appeal to the Board of Public Lands |
| NMIAC § 145-10-120 | Appeal of the Board of Public Lands Decision |

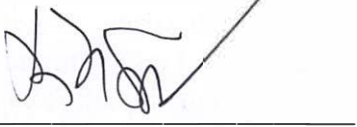
DIRECTIONS FOR FILING AND PUBLICATION: The proposed amendments shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9201(a)(1)) and posted in convenient places in the civic center and in local governmental offices in each senatorial district,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

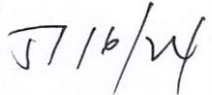
P.O. Box 500380, Saipan, MP 96950 • 2nd Floor, Joeten Dandan Commercial Building
Website: www.dpl.gov.mp • E-mail: dpl@dpl.gov.mp • Facebook: www.facebook.com/DplCnmi
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755


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 Administrative Hearing Procedure Rules and Regulations":


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

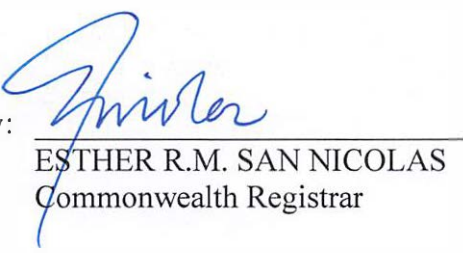
Comments are due within thirty (30) calendar days from the date of publication of this notice. 1 CMC § 9104(a)(2).

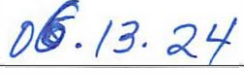
Submitted by: 
TERESITA A. SANTOS
Secretary, DPL


Date


Received by: 
OSCAR M. BABAUTA
Special Assistant for Administration


Date

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


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


Date

Part 001 - General Provisions

§ 145-10-001 Authority

The rules and regulations in this chapter are hereby ~~promulgated and issued by the Board of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 12-33 [1 CMC §§ 2801-2808], effective December 5, 2000~~ amended by the Department of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 15-2 [1 CMC §§ 2801-2808], effective February 22, 2006.

§ 145-10-005 Purpose of Regulations

The purpose of the rules and regulations in this chapter is to provide a comprehensive and efficient administrative hearing process for the ~~Office of Public Lands~~ Department of Public Lands.

§ 145-10-010 Definitions

- (a) ~~“Administrator”. The Administrator of the Office of Public Lands.~~ “Secretary”. The Secretary of the Department of Public Lands.
- (b) “Administrative Hearing Officer”. The in-house hearing officer selected by the ~~Board of Public Lands~~ Secretary to conduct administrative hearings in accordance with the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter.
- (c) “Administrative Procedure Act”. The Commonwealth Administrative Procedure Act, codified at 1 CMC §§ 9101, et seq.
- (d) ~~“Board of Public Lands”. The policy-making body responsible for the management, use, and disposition of all Commonwealth submerged and surface public lands.~~
- (e) ~~“Office of Public Lands”. The office, headed by the Administrator, established under the control and general supervision of the Board of Public Lands to execute, implement and enforce the policies, decisions, orders, rules and regulations of the Board of Public Lands.~~ “Department of Public Lands”. The office, headed by the Secretary, responsible for the administration, use, leasing, development, and disposition of all those lands defined as public lands by N.M.I Const. art. XI, §1.

Part 100 - Administrative Hearing Procedures

§ 145-10-101 Administrative Hearing Officer Position

- (a) ~~The Board of Public Lands~~ The Department of Public Lands hereby establishes shall select ~~an the position of~~ administrative hearing officer (“hearing officer”) and authorizes the hearing officer to conduct appellate hearings and issue decisions on administrative land claims.
- (b) The hearing officer shall have the authority to hear any appeal made by any person aggrieved by a decision made by the ~~Administrator~~ Secretary or his/her designee. The decision of the hearing officer is the final agency action of the Department of Public Lands ~~unless appealed to the Board of Public Lands.~~

(c) In the event that the hearing officer has determined that a conflict, if any, exists pursuant to the CNMI Code of Ethics, the Administrative Procedure Act, or for any other reason(s) duly noted, ~~the Board of Public Lands~~ the Secretary may select a hearing officer pro tem to hear and issue a decision and order on such appeal.

(d) The hearing officer, in carrying out his/her duties and responsibilities, pursuant to the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter, shall exercise his/her independent judgment on the evidence before him/her, free from pressures by the parties to the appeal involved, ~~the Board of Public Lands, the Secretary, the Office of Public Lands~~ the Department of Public Lands, or any other Commonwealth government agencies and/or officials.

§ 145-10-105 Hearing; Conduct and Procedure

The hearing officer shall conduct and regulate the course of the hearing proceedings and issue decisions in conformance with the Administrative Procedure Act, 1 CMC §§ 9101, et seq.

§ 145-10-110 Appealable Decisions of the ~~Administrator~~ Secretary or His/Her Designee

- (a) Denial or noncompliance of village homestead.
- (b) Denial or noncompliance of agricultural homestead.
- (c) Denial or noncompliance of surface or submerged lands permit or lease.
- (d) Denial of land claims.
- (e) Denial of land exchange.
- (f) The ~~Administrator~~ Secretary or his/her designee's written notice of denial or noncompliance shall inform the aggrieved person that he/she may appeal, in writing, such adverse decision to the hearing officer within thirty days of receipt of notice of denial or noncompliance.

~~§ 145-10-115 Appeal to the Board of Public Lands~~

~~Any person not satisfied with the decision of the hearing officer may appeal such decision to the Board of Public Lands within thirty days of receipt of the hearing officer's decision. The Board of Public Lands, having the authority over the management, use, and disposition of all Commonwealth surface and submerged public lands, is the final agency authority.~~

§ 145-10-120 Appeal of the ~~Board of Public Lands~~ Decision of the Hearing Officer

Appeals from a ~~Board of Public Lands~~ decision of the hearing officer shall be brought pursuant to the Administrative Procedure Act [1 CMC §§ 9101, et seq.]

§ 145-10-125 Timing; Issuance of Decisions and Orders

The hearing officer shall issue his/her decision on each claim after the administrative hearing proceeding is fully completed. The decision may be issued within thirty days. If more time is needed to issue a decision, due to caseloads, the parties will be notified of such extension.

§ 145-10-130 Severability

If any provision of the rules and regulations in this chapter shall be held invalid by a court of competent jurisdiction, the remainder of such rules and regulations other than those to which it is held invalid, shall not be affected thereby.



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



**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI AREKLAMENTU
YAN REGULASIÓN “ADMINISTRATIVE HEARING PROCEDURE”**

I AKSION NI MA'INTENSIONA: I Commonwealth gi Sangkattan na Islas Mariãnas, i Dipàttamentun Tanu' Publiku (“I Dipàttamentu”) gi pãpa' i Ufisinan Gubietnu ha intensiona para u amenda i Areklamentu yan RegulasióN “Administrative Hearing Procedure” sigun gi maneran i Åkton Atministrasion Procedure (APA), 1 CMC §9104(a) para u na'klãru i responsabilidãt i Sekretãrian DPL gi halum i “administrative hearing process”.

ÅTURIDÃT: Esti na amenda siha manmacho'gui gi pãpa' i åturidãt i Dipàttamentun Tanu' Publiku sigun gi 1 CMC § 2806 para u dibelop “administrative policies, procedures”, yan gubietna i manasosiãt na tanu' pupbliku.

I TEMA YAN SUSTANSIAN I PALÅBRA SIHA: I Lain Publiku 12-33 ma'istapblesi gi halum i Eksakatibun Rãmas, indipendenti na Kuetpun Tanu' Publiku yan inestapblesi i Ufisinan Tanu' Publiku ni diniririhì ni Atministradot Tanu' Publiku ni ha gubiebietna yan maneneha hinirãt ni Kuetpu para u makãtga huyung, implimenta, yan tãtiti i “policies”, disisióN, otdin, areklamentu, yan regulasióN i Kuetpu siha. I Areklamentu yan RegulasióN i “Administrative Hearing Procedure” ha adãpta Disembri 21, 2001 prumibeni “administrative hearing process” para i Ufisinan Tanu' Publiku. NMIAC § 145-10-005. Lão, i PL 15-2 tumulaika todù i mamensiona siha gi halum i “Commonwealth Code” ginen i Ufisinan Tanu' Publiku para i “Sekretãrian Tanu' Publiku.” I Areklamentu yan RegulasióN “Administrative Hearing Procedure” ti mafa'mãolik disdi atyu na tiempu. Esti i manmapropoN na amenda siha ha sãngan i åturidãt nu DPL; mana'mãolik i difinisióN yan i tema siha ni ma'usa gi halum todù eyi siha ma'usa gi halum i PL 15-2; yan istapblesi na i inekkunguk ufisiãt uttimu na aksióN ahensia nu DPL.

I SITASIÓN NU I MANINAFEKTA NA REGULASIÓN SIHA: I mapropoN na amenda siha siempri ha ribisa i maneksissisti na regulatori linguãhi gi sigienti siha na regulasióN:

| | |
|--------------------|--|
| NMIAC § 145-10-001 | Åturidãt |
| NMIAC § 145-10-005 | Puntun nu i RegulasióN siha |
| NMIAC § 145-10-010 | DifinisióN |
| NMIAC § 145-10-101 | “Administrative Hearing Officer Position” |
| NMIAC § 145-10-110 | Sumiña Ma'apela i DisisióN nu i Atministradot pat “His/Her Designee” |
| NMIAC § 145-10-115 | Apela gi Kuetpun Tanu' Publiku |
| NMIAC § 145-10-120 | Apela gi Kuetpun DisisióN Tanu' Publiku |


DIREKSION PARA I PINE'LU YAN I PUPBLIKASIÓN: Esti i ManmapropoN na Amenda siha debi na u mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona ni manmapropoN yan i mannuebu ma'adãpta na regulasióN 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 linguãhin natibu, (1 CMC § 9104(a)(1)).


UPIÑON SIHA: I manintiresão na pattida siña ma'intrega hálum i tinigi' upiñon-mu siha gi manmaproponi na amenda siha para as Teresita A. Santos, i Sekretárian Dipáttamentun Tanu' Pupbliku, gi sigienti na address, fax pat email address, yan put háfa na suhetu "Maproponi na Amenda siha gi Areklamentu yan Regulasió n i "Administrative Hearing Procedure":


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

I upiñon siha debi di u manahálum gi halum trenta (30) dihas i kalendáriu ginen i fetcha nu pupblikasió n esti na nutisia. I CMC § 9104(a)(2).

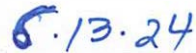
Nina'hálum as: 
TERESITA A. SANTOS
Sekretária, DL


Fetcha

Rinisibi as: 
OSCAR M. BABAUTA
Ispisiát Na Ayudánti Para I Atministrasion

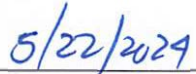

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Pine'lu yan Ninota as: 
ESTHER R.M. SAN NICOLAS
Rehistran Commonwealth


Fetcha

Sigun i I CMC § 2153(e) yan i I CMC § 9104(a)(3) i manmaproponi na amenda siha para i Areklamentu yan Regulasió n i "Administrative Hearing Procedure" ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginen i CNMI Abugádu Henerát yan debi na u mapupblika, I CMC § 2153(f).


EDWARD MANIBUSAN
Abugádu Henerát


Fetcha

Part 001 - General Provisions

§ 145-10-001 Authority

The rules and regulations in this chapter are hereby ~~promulgated and issued by the Board of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 12-33 [1 CMC §§ 2801-2808], effective December 5, 2000~~ amended by the Department of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 15-2 [1 CMC §§ 2801-2808], effective February 22, 2006.

§ 145-10-005 Purpose of Regulations

The purpose of the rules and regulations in this chapter is to provide a comprehensive and efficient administrative hearing process for the ~~Office of Public Lands~~ Department of Public Lands.

§ 145-10-010 Definitions

- (a) ~~“Administrator”. The Administrator of the Office of Public Lands.~~ “Secretary”. The Secretary of the Department of Public Lands.
- (b) “Administrative Hearing Officer”. The in-house hearing officer selected by the ~~Board of Public Lands~~ Secretary to conduct administrative hearings in accordance with the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter.
- (c) “Administrative Procedure Act”. The Commonwealth Administrative Procedure Act, codified at 1 CMC §§ 9101, et seq.
- (d) ~~“Board of Public Lands”. The policy-making body responsible for the management, use, and disposition of all Commonwealth submerged and surface public lands.~~
- (e) ~~“Office of Public Lands”. The office, headed by the Administrator, established under the control and general supervision of the Board of Public Lands to execute, implement and enforce the policies, decisions, orders, rules and regulations of the Board of Public Lands.~~ “Department of Public Lands”. The office, headed by the Secretary, responsible for the administration, use, leasing, development, and disposition of all those lands defined as public lands by N.M.I Const. art. XI, §1.

Part 100 - Administrative Hearing Procedures

§ 145-10-101 Administrative Hearing Officer Position

- (a) ~~The Board of Public Lands~~ The Department of Public Lands hereby establishes shall select ~~an the position of~~ administrative hearing officer (“hearing officer”) and authorizes the hearing officer to conduct appellate hearings and issue decisions on administrative land claims.
- (b) The hearing officer shall have the authority to hear any appeal made by any person aggrieved by a decision made by the ~~Administrator~~ Secretary or his/her designee. The decision of the hearing officer is the final agency action of the Department of Public Lands ~~unless appealed to the Board of Public Lands.~~

(c) In the event that the hearing officer has determined that a conflict, if any, exists pursuant to the CNMI Code of Ethics, the Administrative Procedure Act, or for any other reason(s) duly noted, ~~the Board of Public Lands~~ the Secretary may select a hearing officer pro tem to hear and issue a decision and order on such appeal.

(d) The hearing officer, in carrying out his/her duties and responsibilities, pursuant to the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter, shall exercise his/her independent judgment on the evidence before him/her, free from pressures by the parties to the appeal involved, ~~the Board of Public Lands, the Secretary, the Office of Public Lands~~ the Department of Public Lands, or any other Commonwealth government agencies and/or officials.

§ 145-10-105 Hearing; Conduct and Procedure

The hearing officer shall conduct and regulate the course of the hearing proceedings and issue decisions in conformance with the Administrative Procedure Act, 1 CMC §§ 9101, et seq.

§ 145-10-110 Appealable Decisions of the ~~Administrator~~ Secretary or His/Her Designee

- (a) Denial or noncompliance of village homestead.
- (b) Denial or noncompliance of agricultural homestead.
- (c) Denial or noncompliance of surface or submerged lands permit or lease.
- (d) Denial of land claims.
- (e) Denial of land exchange.
- (f) The ~~Administrator~~ Secretary or his/her designee's written notice of denial or noncompliance shall inform the aggrieved person that he/she may appeal, in writing, such adverse decision to the hearing officer within thirty days of receipt of notice of denial or noncompliance.

~~§ 145-10-115 Appeal to the Board of Public Lands~~

~~Any person not satisfied with the decision of the hearing officer may appeal such decision to the Board of Public Lands within thirty days of receipt of the hearing officer's decision. The Board of Public Lands, having the authority over the management, use, and disposition of all Commonwealth surface and submerged public lands, is the final agency authority.~~

§ 145-10-120 Appeal of the ~~Board of Public Lands~~ Decision of the Hearing Officer

Appeals from a ~~Board of Public Lands~~ decision of the hearing officer shall be brought pursuant to the Administrative Procedure Act [1 CMC §§ 9101, et seq.]

§ 145-10-125 Timing; Issuance of Decisions and Orders

The hearing officer shall issue his/her decision on each claim after the administrative hearing proceeding is fully completed. The decision may be issued within thirty days. If more time is needed to issue a decision, due to caseloads, the parties will be notified of such extension.

§ 145-10-130 Severability

If any provision of the rules and regulations in this chapter shall be held invalid by a court of competent jurisdiction, the remainder of such rules and regulations other than those to which it is held invalid, shall not be affected thereby.



Commonwealth Téel Falúw Kka Efáng Lól Marianas
 Bwulasiyol Soulemelem
 Bwulasiyol Ammwelil Faluweer Toulap



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL
 NGÁLI ALLÉGHÚL ME MWÓGHUTUGHUTÚL ADMINISTRATIVE HEARING**

ARONGORONG REEL MÁNGEMÁNGIL MWÓGHUT: Commonwealth Téel Falúw kka Efáng lól Marianas, Bwulasiyol Soulemelem, Bwulasiyol Ammwelil Faluweer Toulap (DPL) re mángemángil rebwe liiweli Alléghúl me Mwóghutughutúl Administrative Hearing sáangi mwóghutughutúl Administrative Procedures Act (APA), 1 CMC § 9104(a) reel ebwe ffat aal angaang Sekkretóoríyal DPL llól mwóghutughutúl administrative hearing.

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

KKAPASAL ME AWEEWEEL: Alléghúl Toulap 12-33 e itittiw me llól Executive Branch eew Yéélághil Faluweer Toulap, me e itittiw eew Bwulasiyol Faluweer Toulap iye eyoor lemelem sáangi Administrator-il Bwulasiyol Faluweer Toulap faal lemelemil Board ebwe amwúchúw, ayoorai mwóghutughutúl, ammwelil me mwóghutughutúl, disisiyoon, atiiwligh, allégh, me mwóghutughutúl Board. Re adóptááli Alléghúl me Mwóghutughutúl Administrative Hearing wóól Tumwur 21, 2001 reel rebwe ayoorá mwóghutughutúl administrative hearing ngáli Bwulasiyol Faluweer Toulap. NMIAC § 145-10-005. Nge, Alléghúl Toulap 15-2 e siiweli alongal ikka e súllúngáli me llól Commonwealth Code sáangi Office of Public Lands ngáli “Bwulasiyol Ammwelil Faluweer Toulap”, me siiweli alongal ikka e súllúngáli me llól Commonwealth Code sáangi Board-il Public Lands ngáli “Sekkretóoríyal Bwulasiyol Ammwelil Faluweer Toulap.” Leelibwal ese yoor ffél Allégh me Mwóghutughutúl Administrative Hearing. Ppwommwol liiwel kkaal e ayoorá bwángil DPL; ayoorai ffél weeweel me kkapas ngáli ikka re yááyá llól Alléghúl Toulap 15-2; me itittiw reel disisiyoon sáangi hearing officer aa ffat bwe mwóghut bwulasiyol DPL.

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

- | | |
|--------------------|---|
| NMIAC § 145-10-001 | Bwángil |
| NMIAC § 145-10-005 | Bwulul Mwóghutughut Purpose of Regulations |
| NMIAC § 145-10-010 | Weeweel |
| NMIAC § 145-10-101 | Administrative Hearing Officer Position |
| NMIAC § 145-10-110 | Appealable Decisions of the Administrator or His/Her Designee |
| NMIAC § 145-10-115 | Appeal to the Board of Public Lands |
| NMIAC § 145-10-120 | Appeal of the Board of Public Lands Decision |

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)).

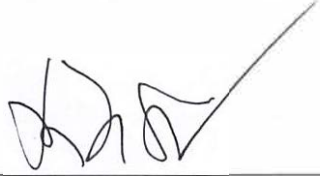
P.O. Box 500380, Saipan, MP 96950 • 2nd Floor, Joeten Dandan Commercial Building
 Website: www.dpl.gov.mp • E-mail: dpl@dpl.gov.mp • Facebook: www.facebook.com/DplCnmi
 Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

KKAPAS: Schóo kka re tipáli rebwe isiisilong ischil kkapas wóol ppwommwol liiwel kkaal rebwe isiis ngáli Teresita A. Santos, Bwulasiyol Ammwelil Faluweer Toulap, reel féléfél iye e amwirimwiritiw, fax, ngare email address, fengál wóol subject line bwe “Proposed Amendments to the Administrative Hearing Procedure Rules and Regulations”:

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


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

Isáliyalong:


TERESITA A. SANTOS
Sekretóoriya, DPL



Ráál

Bwughiyal:


OSCAR M. BABAUTA
Special Assistant ngáli Administration


Ráál

Ammwelil:


ESTHER R.M. SAN NICOLAS
Commonwealth Registrar


Ráál

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


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap


Ráál

Part 001 - General Provisions

§ 145-10-001 Authority

The rules and regulations in this chapter are hereby ~~promulgated and issued by the Board of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 12-33 [1 CMC §§ 2801-2808], effective December 5, 2000~~ amended by the Department of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 15-2 [1 CMC §§ 2801-2808], effective February 22, 2006.

§ 145-10-005 Purpose of Regulations

The purpose of the rules and regulations in this chapter is to provide a comprehensive and efficient administrative hearing process for the ~~Office of Public Lands~~ Department of Public Lands.

§ 145-10-010 Definitions

- (a) ~~“Administrator”. The Administrator of the Office of Public Lands.~~ “Secretary”. The Secretary of the Department of Public Lands.
- (b) “Administrative Hearing Officer”. The in-house hearing officer selected by the ~~Board of Public Lands~~ Secretary to conduct administrative hearings in accordance with the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter.
- (c) “Administrative Procedure Act”. The Commonwealth Administrative Procedure Act, codified at 1 CMC §§ 9101, et seq.
- (d) ~~“Board of Public Lands”. The policy-making body responsible for the management, use, and disposition of all Commonwealth submerged and surface public lands.~~
- (e) ~~“Office of Public Lands”. The office, headed by the Administrator, established under the control and general supervision of the Board of Public Lands to execute, implement and enforce the policies, decisions, orders, rules and regulations of the Board of Public Lands.~~ “Department of Public Lands”. The office, headed by the Secretary, responsible for the administration, use, leasing, development, and disposition of all those lands defined as public lands by N.M.I Const. art. XI, §1.

Part 100 - Administrative Hearing Procedures

§ 145-10-101 Administrative Hearing Officer Position

- (a) ~~The Board of Public Lands~~ The Department of Public Lands hereby establishes ~~shall select an the position of~~ administrative hearing officer (“hearing officer”) and authorizes the hearing officer to conduct appellate hearings and issue decisions on administrative land claims.
- (b) The hearing officer shall have the authority to hear any appeal made by any person aggrieved by a decision made by the ~~Administrator~~ Secretary or his/her designee. The decision of the hearing officer is ~~the final agency action of the Department of Public Lands unless appealed to the Board of Public Lands.~~

(c) In the event that the hearing officer has determined that a conflict, if any, exists pursuant to the CNMI Code of Ethics, the Administrative Procedure Act, or for any other reason(s) duly noted, ~~the Board of Public Lands~~ the Secretary may select a hearing officer pro tem to hear and issue a decision and order on such appeal.

(d) The hearing officer, in carrying out his/her duties and responsibilities, pursuant to the Commonwealth Administrative Procedure Act [1 CMC §§ 9101, et seq.] and the rules and regulations in this chapter, shall exercise his/her independent judgment on the evidence before him/her, free from pressures by the parties to the appeal involved, ~~the Board of Public Lands, the Secretary, the Office of Public Lands~~ the Department of Public Lands, or any other Commonwealth government agencies and/or officials.

§ 145-10-105 Hearing; Conduct and Procedure

The hearing officer shall conduct and regulate the course of the hearing proceedings and issue decisions in conformance with the Administrative Procedure Act, 1 CMC §§ 9101, et seq.

§ 145-10-110 Appealable Decisions of the ~~Administrator~~ Secretary or His/Her Designee

- (a) Denial or noncompliance of village homestead.
- (b) Denial or noncompliance of agricultural homestead.
- (c) Denial or noncompliance of surface or submerged lands permit or lease.
- (d) Denial of land claims.
- (e) Denial of land exchange.
- (f) The ~~Administrator~~ Secretary or his/her designee's written notice of denial or noncompliance shall inform the aggrieved person that he/she may appeal, in writing, such adverse decision to the hearing officer within thirty days of receipt of notice of denial or noncompliance.

~~§ 145-10-115 Appeal to the Board of Public Lands~~

~~Any person not satisfied with the decision of the hearing officer may appeal such decision to the Board of Public Lands within thirty days of receipt of the hearing officer's decision. The Board of Public Lands, having the authority over the management, use, and disposition of all Commonwealth surface and submerged public lands, is the final agency authority.~~

§ 145-10-120 Appeal of the ~~Board of Public Lands~~ Decision of the Hearing Officer

Appeals from a ~~Board of Public Lands~~ decision of the hearing officer shall be brought pursuant to the Administrative Procedure Act [1 CMC §§ 9101, et seq.]

§ 145-10-125 Timing; Issuance of Decisions and Orders

The hearing officer shall issue his/her decision on each claim after the administrative hearing proceeding is fully completed. The decision may be issued within thirty days. If more time is needed to issue a decision, due to caseloads, the parties will be notified of such extension.

§ 145-10-130 Severability

If any provision of the rules and regulations in this chapter shall be held invalid by a court of competent jurisdiction, the remainder of such rules and regulations other than those to which it is held invalid, shall not be affected thereby.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

| | | |
|---------------------|---|-------------------------|
| In Re Matter of: |) | Labor Case No. 23-022 |
| |) | |
| Kaderi Kibria, |) | |
| |) | |
| Complainant, |) | |
| |) | ADMINISTRATIVE DECISION |
| v. |) | DISMISSING COMPLAINT |
| |) | |
| SPN-US Corporation, |) | |
| |) | |
| Respondent. |) | |
| |) | |

On April 11, 2024, the undersigned issued an Order for the parties to submit a status report informing the hearing office of the completion of payments or ongoing issues as to why the case should not be dismissed. Based on the Status Report and Supplemental Status Report filed by Respondent,¹ the undersigned finds:

1. The agreed upon settlement amount was fully paid to Complainant; and
2. There are no other issues to resolve.

Accordingly, the case is hereby **DISMISSED** with prejudice, pursuant to NMIAC § 80-20.1-485(b).² 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 30th day of April, 2024.

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer

¹ Complainant did not submit a filing.

² "A complaint may be dismissed upon...settlement by the party or parties who filed it." NMIAC § 80-20.1-485(b).



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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5 In Re Matter of:) Labor Case No. 24-001
6 Shemmy Borja,)
7 Complainant,)
8 v.) ADMINISTRATIVE DECISION
9) DISMISSING COMPLAINT FOR
10 MP Holdings, L.L.C.,) FAILURE TO STATE A CLAIM
11 Respondent.)
12

13 Upon review of the pleadings, Complainant was ordered to show cause why the complaint
14 should not be dismissed for failure to state a claim. For the reasons discussed below, the
15 undersigned finds dismissal appropriate.

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

22 On April 15, 2024, Complainant filed a complaint against Respondent. The complaint does
23 not allege a violation of unpaid wages or a violation of the employment preference laws. Instead,
24 Complainant disputes being terminated for cause without written notice. Additionally,
25 Complainant alleges unfair treatment and being kicked out of hotel accommodations. On April
26 18, 2024, Respondent filed an answer with supporting documents. Respondent disputes certain
27 facts. First, Respondent provides that Complainant was terminated after receiving two verbal
28 warnings and a written warning for inappropriate and disruptive behavior in violation of company
policy. Second, Respondent provides that the Complainant was asked to vacate the hotel

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accommodation for failure to pay for his room. Upon review of the pleadings, Complainant was ordered to show cause why the case should not be dismissed for failure to state a claim in which relief can be granted.¹ The Complainant did not file a response to the Order to Show Cause.

Upon further review of the pleadings, the undersigned finds that the facts alleged do not rise to the level of a violation in law. First, with respect to the termination, Complainant does not allege any unlawful grounds for termination.² Further, even if the Complainant alleged unlawful termination, there is no showing that the Administrative Hearing Office is the appropriate avenue for relief. Second, with respect to notice, Complainant fails to allege a violation of notice requirements protected by law.³ And third, with respect to the alleged housing issue, there is no showing that Complainant was entitled to stay in the hotel without pay or that being asked to vacate was otherwise unlawful. Ultimately, Complainant fails to allege sufficient facts to demonstrate a violation of law within this Office's jurisdiction.

Accordingly, the undersigned finds Complainant fails to state a claim upon which relief can be granted. Further, upon reasonable notice and an opportunity to respond, Complainant fails to show cause why the complaint should not be dismissed. Based on the applicable law and available information, 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 14th day of May, 2024.



JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer

¹ The Order to Show Cause was issued and electronically served to both parties on April 24, 2024 at the contact information provided by the parties.

² Generally, the CNMI follows the doctrine of "at-will employment" and both employers and employees can terminate the employment relationship at any time, with or without cause, as long as the grounds for termination are lawful. CNMI employers can terminate employment for just cause, which includes employee misconduct, poor performance, insubordination, violation of company policies, breach of contract. Termination is also permitted for economic reasons or business discretion.

³ Generally, CNMI law does not impose notice requirements for terminating an individual person. Instead, notice requirements are required for mass reductions in force and closures.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

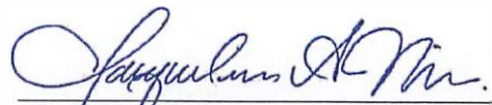
| | | |
|---------------------------|---|---------------------------------------|
| In Re Matter of: |) | PUA Case No. 23-0238 |
| |) | |
| Yunpeng Zhang, |) | |
| |) | |
| Appellant, |) | |
| |) | ADMINISTRATIVE ORDER GRANTING |
| v. |) | DEPARTMENT'S MOTION TO DISMISS |
| |) | |
| CNMI Department of Labor, |) | |
| |) | |
| Appellee. |) | |

This matter came for an Administrative Hearing on April 15, 2024 at the Administrative Hearing Office in Saipan. During the hearing, the Department moved to dismiss the appeal because it was issued in error and made moot by a subsequent determination for the same time frame. In consideration of Appellant's nonappearance and in order to give Appellant an opportunity to be heard, the Department was ordered to file and serve their motion in writing.

On April 19, 2024, the Department filed a motion to dismiss. Therein, the Department argued that the April 24th Determination on appeal is moot because the Department issued a subsequent determination on May 10, 2023. The May 10th Determination denied eligibility for a different reason, for a larger time frame, inclusive of the time frame under the April 24th Determination. Moreover, the basis for denial in the May 10th Determination was resolved in a previous appeal. The Appellant did not file a response.

In consideration of the foregoing, the undersigned finds there are no other issues to resolve and dismissal is appropriate. Accordingly, this appeal is **DISMISSED**. 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 May, 2024.


 JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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5 In Re Matter of:) PUA Case No. 23-0240
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Willy Camaddu,
Appellant,
v.
CNMI Department of Labor,
Appellee.

**ADMINISTRATIVE DECISION
GRANTING DEPARTMENT'S MOTION
TO DISMISS**

This matter came for an Administrative Hearing on April 25, 2024 at 9:00 am at the Administrative Hearing Office in Saipan. During the Hearing, Appellant indicated he no longer wanted to pursue the appeal and the Department intended to issue an Amended Notice of Overpayment for a full waiver. The parties were given additional time to prepare the amended notice and stipulated motion to dismiss.

On May 17, 2024, the Department filed a Motion to Dismiss and the Amended Notice of Overpayment.¹ Based on the matters discussed at the hearing and the parties' subsequent filings, the undersigned finds:

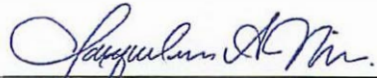
1. Appellant was not eligible for benefits from October 4, 2020 to December 12, 2020;
2. Appellant no longer disputes the Disqualifying Determination, dated May 1, 2023;
3. Appellant was mistakenly overpaid LWA benefits for week ending August 1, 2020 to August 8, 2020 in the amount of \$600.00;
4. Appellant is entitled to a "no fault" waiver for above-mentioned overpayment; and
5. Appellant has signed the Amended Notice of Overpayment and Waiver agreeing to the Department's findings.

¹ Notably, the parties did not submit a stipulated Motion to Dismiss because the Department has been unable to contact or locate Appellant. Appellant previously informed the Department that he was planning to depart the CNMI but did not provide details or other contact information.

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In consideration of the above, the undersigned finds that there are no other issues to resolve and dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED**. The Disqualifying Determination dated May 1, 2023 and the Amended Notice of Overpayment dated April 25, 2024 are hereby **FINAL**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this 20th day of May, 2024.



JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

| | | |
|---------------------------|---|------------------------------|
| In Re Matter of: |) | PUA Case No. 23-0248 |
| |) | |
| Frank Xuan Li, |) | |
| |) | |
| Appellant, |) | ADMINISTRATIVE DECISION |
| |) | GRANTING APPELLANT'S REQUEST |
| v. |) | FOR DISMISSAL |
| |) | |
| CNMI Department of Labor, |) | |
| |) | |
| Appellee. |) | |

On May 3, 2024, the parties were ordered to clarify the pending request for dismissal. Based on the joint statement filed, the undersigned finds:

1. Appellant was not eligible for PUA benefits from December 27, 2020 to February 20, 2021;
2. Appellant no longer opposes the determination; and
3. All known overpayment issues have been resolved between the parties.

In consideration of the above, the undersigned finds that there are no issues to resolve and dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for June 6, 2024 at 9:00 a.m. is **VACATED**. The underlying determination, dated July 8, 2023, is hereby **FINAL**. For that reason, Appellant is not eligible for PUA benefits from December 27, 2020 to February 20, 2021. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this 14th day of May, 2024.


JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

| | | |
|---------------------------|---|------------------------------|
| In Re Matter of: |) | PUA Case No. 24-0286 |
| |) | |
| Machael Rebamba, |) | |
| |) | |
| Appellant, |) | ADMINISTRATIVE DECISION |
| |) | GRANTING APPELLANT'S REQUEST |
| v. |) | FOR DISMISSAL |
| |) | |
| CNMI Department of Labor, |) | |
| |) | |
| Appellee. |) | |

Pursuant to Appellant's Request to Appeal, this matter was scheduled for an Administrative Hearing for June 5, 2025 at 9:00 a.m. at the Administrative Hearing Office in Saipan. On May 6, 2024, Appellant filed a written request to voluntarily dismiss his appeal due personal reasons. Specifically, Appellant is no longer interested in contesting the Department's determinations or pursuing appeal. The Department has no objections to the dismissal.

In consideration of the above, the undersigned finds that dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for June 5, 2025 at 9:00 a.m. is **VACATED**. The underlying determinations, dated April 30, 2024, are hereby final. Appellant is not eligible for PUA benefits from April 19, 2020 to April 25, 2020; January 17, 2021 to February 20, 2021; and March 6, 2021 to March 13, 2021. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this 7th day of May, 2024.



JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION



BLDG., #1341, Asencion Ct., Capitol Hill
P.O. BOX 500135 Saipan, MP 96950
Email: compliance.cnmicc@gmail.com
Phone: (670) 488-0420

www.cnmicc.com

RESOLUTION NO. 2024-05-001

Pesticide Use on Marijuana for Marijuana Producers

Pursuant to the authority conferred upon the Commonwealth of the Northern Mariana Islands Cannabis Commission (“Commission”) under 4 CMC § 53008 and otherwise, the Commission takes the following actions:

RECITALS

Whereas, the Commission has officially promulgated regulations necessary to facilitate commercial activity within the Cannabis industry of the CNMI; and

Whereas, the success of the industry relies upon the success and economic feasibility of individual actors therein in the production of clean and safe marijuana product; and

Whereas, the Commission prohibits the use of synthetic pesticides on cannabis and considers it a threat to the detriment of health and safety of the general public and the environment; and

Whereas, the Commission finds that natural, organic, and pesticide-free grown marijuana support consumer and product safety concerns; and

Whereas, the Commission finds that robust healthy plants naturally repel pests and diseases and that organic bio-stimulants improve a plant’s natural resistance (immune system) to pests and diseases, acts as a natural plant protection agent, and elevates a plant’s brix level; and

Whereas, there are no pesticides specifically labeled for the production of marijuana or hemp; and

Whereas, the Commission and the Division of Agriculture of Department of Lands and Natural Resources have not established an approved list of natural or organic pesticides for use on marijuana or hemp in the CNMI; and

Whereas, pesticides that are considered organic and/or the Organic Materials Review Institute (OMRI) listed products does not automatically make it approved for use on marijuana or hemp by the fact that many organic products have tolerances established by the U.S. Environmental Protection Agency for use on food crops and there are no established tolerances for marijuana; and

Whereas, the U.S. EPA, a registrar and regulator of pesticides who sets tolerances for food crops, has not completed a risk assessment of the potential health hazards posed by treating marijuana with pesticides and has not authorized the application of any pesticide specifically for use on marijuana because it remains a Schedule I narcotic under the Controlled Substances Act; and

Whereas, the U.S. EPA established a list of active ingredients that can be used in pesticide products that are exempt from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) under the Minimum Risk Exemption regulations in 40 CFR 152.25(f) because it has determined that certain "*minimum risk pesticides*" pose little to no risk to human health or the environment; and

Whereas, the Commission adopted a *Guide List for Pesticides and Cannabis* of pesticide products that are exempt from a tolerance by the U.S. EPA intended for unspecified food crops and passed a pyrolysis test (purity/suitability for application); and

Whereas, the Commission finds it necessary for Marijuana Producers to gain expert knowledge on Integrated Pest Management practices and in the use of pesticides as a last resort; and

Whereas, the Commission determined that Marijuana Producers obtain producer certification from reputable cannabis training institutions which would support consumer confidence in the cultivation of clean and safe marijuana products; and

Whereas, the Commission encourages Marijuana Producers' feedback on this Resolution for Pesticide Use on Marijuana for Marijuana Producers for consideration in the formulation of pesticide regulations.

Henceforth, the Commission will develop its pesticide regulations for publication in the CNMI Registry.

Now, Therefore, Be it Resolved, that after consideration of the information provided in connection herewith and being satisfied therewith, the Commission, in accordance with 4 CMC § 53008, gives its consent and approval and states its non-objection as follows:

Pesticide Use in the Cultivation of Marijuana

The Commission, subject to its right to regulate the Cannabis industry through the ability to grant licenses for the production and sale of cultivated marijuana, and in exercising the powers necessary to enable the administration of the law and regulations, gives its consent and approval to the following actions:

1. Prohibited Use:
 - a) Synthetic pesticides, substances or chemicals on, near or around indoor or outdoor cultivated marijuana plants.
 - b) U.S. EPA listing of active ingredients eligible for "*minimum risk pesticides*" or the *Guide List of Pesticides and Cannabis* pesticide products:
 - i. After or past the first week of marijuana flower formation or bud development for indoor cultivated marijuana; or
 - ii. After or past the second week of marijuana flower formation or bud development for outdoor cultivated marijuana.

- c) Self-concocted or formulated and/or self-proclaimed natural or organic pesticide without prior written approval of the Commission and the Division of Environmental Quality of the Bureau of Environmental and Coastal Quality.

2. Allowable Use:

- a) U.S. EPA listing of active ingredients eligible for “*minimum risk pesticide*” products determined to pose little to no risk to human health or the environment under the Minimum Risk Exemption regulations in 40 CFR 152.25(f), and the pesticide product must be used according to the label directions and may be applied:

- i. During a marijuana plant’s vegetative growth stage; and
- ii. Only up to the first week of marijuana flower formation or bud development for indoor cultivated marijuana; or
- iii. Only up to the second week of marijuana flower formation or bud development for outdoor cultivated marijuana.

- b) *Guide List of Pesticides and Cannabis* pesticide products that are exempt from a tolerance by the U.S. EPA intended for unspecified food crops and passed a pyrolysis test, and the pesticide product must be used according to the label directions and may be applied:

- i. During a marijuana plant’s vegetative growth stage; and
- ii. Only up to the first week of marijuana flower formation or bud development for indoor cultivated marijuana; or
- iii. Only up to the second week of marijuana flower formation or bud development for outdoor cultivated marijuana.

3. Compliance with the Division of Environmental Quality pesticide regulations on pesticide safety and education training and pesticide applicator certification, and specifically:

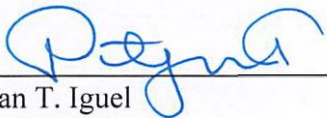
- a) § 65-70-405(a) Required Certification; and
- b) § 65-70-410(a)(1)(i) Categories of Commercial Applicators, Private Applicators, and Licensed Dealers.

4. Compliance with Commission regulations § 180-10.1-605 Operating Procedures (a)(1) and (b).

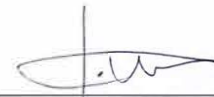
- Marijuana Producers must obtain producer certification from reputable cannabis training institutions with emphasis on Integrated Pest Management, improved plant natural resistance to pests and diseases and brix level within one year from the date of license renewal of an existing license.

The Commission, pursuant to regulation, reserves the right and responsibility to revise the basic standards for pesticide use on marijuana, to remove prohibitions or restrictions, or increase the standards on marijuana producer certification by resolution and/or regulation of the Commission duly approved in accordance with CNMI Cannabis Regulations. Nothing herein affects in any way the Commission's authority to enforce the laws or regulations under the Commission's authority.

So Resolved this 23rd day of May 2024.



Juan T. Iguel
Chairman



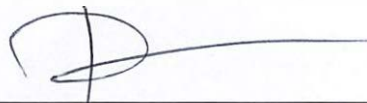
Journie M. Hofschneider
Vice Chairwoman



Thomas L. Songsong
Secretary

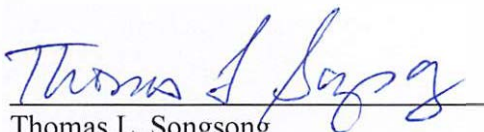


Joseph S. Rios, Jr.
Treasurer



Jose B. Palacios
Member

Certified by:



Thomas L. Songsong
Secretary

5/23/2024

Date