

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



COMMONWEALTH REGISTER

**VOLUME 46
NUMBER 09
September 15, 2024**

COMMONWEALTH REGISTER
VOLUME 46
NUMBER 08
AUGUST 15, 2024

ADOPTION

Public Notice of Certification and Adoption of Regulations
Nuisance Abatement and Blighted Property Maintenance
Commonwealth Zoning Board 051293

Public Notice of Certification and Adoption of Regulations
Temporary Occupancy Rules
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PROPOSED

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CHCC Chargemaster for Various Fees
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PUA Case No. 23-0257
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Appellant's Request for Dismissal
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COMMONWEALTH ZONING BOARD ZONING OFFICE

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Commonwealth Zoning Board

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 46, Number 07, pp 051190 to 051206, of July 17, 2024

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Zoning Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Zoning Board announced that it intended to adopt them as permanent, and now does so.

I also certify by signature below that: as published, adopted regulations are a true, complete and correct copy of the referenced Proposed Zoning Regulations, and that they are being adopted with modification or amendment.

MODIFICATIONS FROM PROPOSED REGULATIONS: Attached

AUTHORITY: The Zoning Administrator has authority to interpret and to make, alter and repeal rules and regulations regarding the Nuisance Abatement and Blighted Property Maintenance Act of 2018. SLL 20-25, section 104 in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101 – 9115.

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

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

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 sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10th day of September, 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Therese T. Ogumoro,
Zoning Administrator

09.11.24

Date

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

Dated the 12 day of September, 2024.



EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:



ESTHER RUTH M. SAN NICOLAS
Commonwealth Registrar

09.12.2024

Date

Nuisance Abatement and Blighted Property Maintenance Act of 2018 (SLL 20-25)

REGULATIONS

§165-30.1-700 Purpose

The regulations in this part provide for and impose conditions upon the issuance of notices for the violations of conditions in the Nuisance Abatement and Blighted Properties Maintenance Act of 2018. The existence of abandoned and significantly dilapidated, damaged, unrepaired, unmaintained, and unattended structures with nuisance surroundings can adversely impact the property values and safety of abutting properties and the immediate neighborhood or the entire community. These blighted properties can threaten the health, safety, and welfare of residents and business operations and cause hundreds of thousands, even millions, of dollars in property damages or losses.

The regulations in this part are additives and supplement the other regulations and provisions in this title and the Saipan Zoning Law. In the event of any conflict with any other provision of law or regulation, the more restrictive provision shall prevail.

§165-30.1-701 Definitions

When used in the regulations in this subchapter, the following terms shall have the respective meanings:

- (a) “Abandoned vehicle” means a vehicle that does not bear a license plate, or is unregistered and incapable of moving under its own power.
- (b) “Abate” or “Abatement” means the act of eliminating or nullifying.
- (c) “Administrator” means the Zoning Administrator as provided in 2 CMC § 7222
- (d) “Blight, blighting influence or blighting factor” mean either: that which endangers life or property by fire, vermin, disease vectors, or other causes or that which substantially impairs or arrests property values or the sound growth of the Commonwealth and is a menace to the public health, safety, morals, or welfare in its present condition and use.
- (e) “Compliance Plan” means a plan of action from the property owner and/or violator in addressing the Notice to Abate.

- (f) “Enforcement Division” or “enforcement division” refers to section within Zoning and/or Zoning personnel who conduct inspections and enforcement activities.
- (g) “Indigent”¹ shall be defined as the following:
 - (i) One who suffers from extreme poverty; being unable to afford the basic necessities of a normal life.
 - (ii) One who is extremely poor; either from having no money or being in bad health.
 - (iii) One who lacks necessities of life because of poverty; needy; poor; impoverished. Or,
 - (iv) Those for whom medical bills would threaten the household financial viability. *Qualifying as a medically indigent patient does not require qualification as financially indigent.*
 - (v) *One who, at the time need is determined, does not have sufficient assets, credit, or other means to provide for payment of enforcement violation penalties and fines associated with the Act and all other necessary expenses of representation without depriving the person or his dependents of food, shelter or clothing, and who has not disposed of any assets with the intent of establishing eligibility for indigent representation.*
- (h) “Inspection warrant” means a warrant for Zoning to enter the property to inspect and/or determine compliance after there is probable cause that a violation of this Act exists on the property.
- (i) “Thoroughfare” refers to any roadway where vehicles travel at speeds greater than 30 miles per hour, including, but not limited to, Beach Road, Middle Road (Chalan Pale Arnold), Isa Drive, Chalan Monsignor Guerrero, Chalan Monsignor Martinez, Tomas Sablan Road, Koblerville Road, Dandan Road, Kagman Road, and As Perdido Road. See NMIAC § 155-20.1-005(e).
- (j) “Minor violation” means as explained in **§165-30.1-705. Enforcement Process**
- (k) “Non-Residential” means commercial or industrial use, government use, or any use that is not a single-family dwelling. This includes apartments, duplexes, townhouses, public parks, farms, agriculture, places of worship, social halls, or temporary debris staging areas.

¹ U.S. Health & Human Services Federal Poverty guidelines may be used to determine eligibility for indigent relief.

- (l) “Nuisance” means a thing, circumstance, or person causing inconvenience or annoyance. An act, condition, or thing that is illegal because it interferes with the rights of the public and private citizens. See SLL 20-25 § 106 (*expanding nuisance definition to prohibited conditions and public nuisances*).
- (m) “Owner” means holder of the property title in fee simple, as well as person or persons with legal title to a dwelling unit, control of the premises, including banks, authorized agents and lessees who have responsibility for the maintenance and condition of the property, or any lessee with a leasehold interest or has a leasehold interest of twenty-five (25) years or more. See 10 CMC § 30505(v); SLL 20-25 § 105.
- (n) “Property” means a structure, land, premise, or vehicle of any type, e.g., heavy equipment, motor vehicle, motorbikes, boats, water vessels.
- (o) “Public nuisance” means any unsafe or unsanitary condition which endangers the public health, welfare or safety of the community as described in 10 CMC § 30506.. Some examples enumerated in the law include: abandoned buildings and vehicles, accumulated garbage or debris, overgrown vegetation, and man-made pools that produce breeding places for disease vectors. See SLL 20-25 § 106.
- (p) “Public property” means government property, which include buildings, parks, open space, gardens, vehicles.
- (q) “Residential” means single-family dwellings.
- (r) “the Act” means the Nuisance Abatement and Blighted Property Maintenance Act of 2018, as set forth in Saipan Local Law No. 20-25 and as codified at 10 CMC §§ 30501-30517.
- (s) “Zoning Board” or “Board” means the Commonwealth Zoning Board as provided in 2 CMC § 7221

§165-30.1-702 Orders and Notice

Whenever the Administrator finds any violation of the Act, the Administrator may order the owner of the property to abate the nuisance, correct the violation and/or impose penalties.

- (a) The Zoning Administrator shall post a Notice of an Order of Abatement or Notice to Abate (“Notice”) on the premises where the public nuisance or violation exists.

- (b) The Notice shall have a description of the public nuisance and nature of the violation. The Notice shall include the time period allowed for termination or abatement of the nuisance. The Notice shall also include the time period allowed for a written petition for an appeal to the Zoning Board. The Notice shall also inform the property owner that the termination of the public nuisance by the Commonwealth shall result in a lien against the property for various costs in accordance with the law. Finally, the Notice shall inform the property owner that the Commonwealth reserves the right to hold the owner of the property or leasehold interest personally liable for the costs of correcting the offending condition(s). See **SLL 20-25 § 110**.
- (c) The Administrator shall serve all orders on the property owner. Mailing of the order shall be sufficient proof of service, or the order may be personally served or served by some other method, such as electronic notice, recognized under the laws of the Commonwealth (e.g. 10 CMC § 30510). If the Administrator cannot ascertain the mailing address of the owner after making reasonable inquiries, or otherwise provide actual notice after making reasonable inquiries, the posted notice of the order on the property shall constitute sufficient notice to the owner, or the representative thereof, and no additional notice or service shall be required for any action hereunder."

§165-30.1-703 Hearing on Order to Abate Nuisance

- (a) Upon receiving an Order to Abate Nuisance, the property owner has a right to make a written appeal for a hearing before the Zoning Board.
- (b) The property owner must exercise his or her appeal rights within thirty (30) days after the date of mailing the Order of Abatement or Notice to Abate, the date of posting, or the date that he or she is served with the order.² Service can be made upon the property owner through methods recognized by Commonwealth law.
- (c) An appeal to the Zoning Board shall conform to the appeal process as set forth in **NMIAC § 165-30.1-711** and in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101-9115.

§165-30.1-704 Historical Buildings

- (a) A property owner may apply for a "mothballing certificate" for any historical structure that would otherwise be considered blighted or a nuisance under the Act by submitting an application, as provided by the Administrator, to the Zoning Office.

² Although SLL 20-25 law provides for fifteen (15) days, the regulations provide property owners with thirty (30) days to appeal. See **NMIAC § 165-30.1-711**.

- (b) The Administrator may grant a mothballing certificate for a term of one (1) year, with an option for an extension. A property owner shall submit in writing a justification to extend an authorization for mothballing no later than thirty (30) consecutive days before the expiration of an authorization. Failure to do so shall subject the property owner for payment of the applicable standard penalty fees set forth in these regulations.
- (c) Payment of the applicable penalty fee by the property owner shall in no way relieve the property owner from complying with the Act and these regulations. Additional penalties may be assessed which the property owner shall be liable for payment.
- (d) After such time, owners shall comply with all procedures to maintain the property as required by the Act and these regulations.

§165-30.1-705 Enforcement Process

- (a) Issuance of a Notice of Violation. When the enforcement division observes a blighted property or a property deemed a public nuisance pursuant to 10 CMC §30506, the Administrator shall issue a written violation notice to the property owner in accordance with Subsection 702 of these regulations.
- (b) Enforcement Priorities. While all violations are subject to enforcement for compliance, the Zoning Office's enforcement division's resources will be allocated in the following order of importance, but by no means excluding other areas or zoning districts:
 - (i) Properties within a 300 foot radius of a school, playground, or daycare (radius measured from the approximate center of the property on which the school campus is situated)
 - (ii) Properties within view of tourist concentrated areas including without limitation, the Beach Road, Tourist Resort, Garapan East, and Garapan Core zoning districts or tourist sites including, but not limited to, historical landmarks.
 - (iii) Properties within sight of thoroughfares.
 - (iv) Properties within villages in Saipan where it could be observed by a reasonable person that blight or nuisance exists.
- (c) Types of Violations
 - (1) Minor Violation

- a. **Courtesy Notice.** Any member of the public may report minor property violation, e.g., nuisance, abandoned property, unmaintained property, etc., by calling or writing to the Zoning Office, and providing sufficient description of the violation, location of the violation, and any other information available. The Zoning Enforcement may submit a report of minor violation upon finding the violation on its own to the Administrator.

Upon receipt of a report of a minor violation, the Zoning Enforcement may conduct an onsite inspection for verification purposes. The Administrator shall prepare a written Courtesy Notice and shall cause the Courtesy Notice to be served in person to the owner of the property, or if the owner cannot be located, by posting the Courtesy Notice onsite or by other means of delivery. Posting of the Courtesy Notice onsite shall be deemed delivered to the property owner. The Courtesy Notice must describe the alleged violation.

Upon the date of receipt of the Courtesy Notice by the property owner or from the date of posting onsite, the property owner shall have time to respond. A residential property owner shall have not more than thirty (30) days from the date of receipt of the Courtesy Notice or from the date of posting onsite to respond in writing and delivering same to the Administrator. Within the thirty-day period to respond in writing, the property owner may certify that the violations are unfounded or have been corrected by returning a Property Owner Certification form (available at the Office of Zoning) with current color photographs of the property.

By signing the Owner Certification form, the property owner agrees to maintain the property in compliance with these regulations and the Act at all times without additional notices. If another complaint is received from a member of the public or upon the finding of such by the Zoning Enforcement regarding the same or similar violation and the Zoning Enforcement has verified the complaint by conducting an onsite inspection, the Administrator shall issue a Notice of Violation in accordance with subsection 2 below. Such notice of violation shall include an assessment of fines as provided in **NMIAC § 165-30.1-715** of these regulations.

(2) Violations other than minor violations

- (a) **Notice of Violation.** After Zoning Enforcement has inspected and verified a violation in fact, the Administrator shall issue an Order to Abate (“Order to Abate” or “Notice”) to the property owner. The Notice shall include a description of each of the violations and must state with clarity the corrections the property owner must undertake and the timeline to complete the corrections. The Notice shall be posted on the property subject to the notice of violation and shall advise the property owner to contact the Administrator to discuss the violations and the necessary steps to abate the violations. The residential or commercial property owner shall have no more than thirty days (30) to contact the Administrator.

The Administrator shall notify the property owner in writing that the applicable fines will be imposed as set forth in these regulations. The property owner shall be responsible for paying fines accruing from the date of notice by the Administrator, and the fines shall continue to accrue until the property owner has corrected the violations and the Administrator has certified in writing that the violations have been corrected in full.

If the Administrator fails to hear from the property owner after notice of violation has been served on the property owner or the posting of the notice onsite and it becomes clear that the property owner had failed to correct the violations noted within the deadline for compliance, the Administrator may proceed to contract a private company to correct the noted violations and for the maintenance and security of the property (which may require obtaining an Inspection Warrant). After the property in question has been cleaned, maintained, and secured, the Administrator shall notify the property owner in writing that the noted violations have been corrected and that the property owner must pay the cost incurred by the Administrator to clean, maintain, and secure the property in question. The Administrator shall itemize the cost incurred and paid by the Administrator and deliver same to the property owner with a written demand to settle the charges no later than one hundred eighty (180) days from the date of the written notice. The Administrator shall provide actual invoices and payment receipts to the property owner. Property that has been cleaned and improved by the Zoning Office or the Commonwealth government must be identified with a posting "Cleaned by Zoning" which posting must display the date and contact information to report blight and erected on the property in question.

- (b) Notice of Repeat Violation. When the same or similar violation has been verified within 24 months with respect to the same property, the property owner will immediately be issued an Order to Abate. Penalties and fines will be assessed and issued as provided in these regulations. The property owner will be allowed ten (10) days to correct the violation(s) on the same property. If the violations are not corrected within the ten-day period, a re-inspection notice will be issued (unless the issue is blight and Zoning Enforcement exercises its power to contract for property maintenance in which case Zoning will post the property as blighted and proceed with maintenance contracting). Non-compliance will accrue additional fines. A Compliance Plan shall be required. The Compliance Plan must be approved by the Zoning Administrator. Non-compliance will accrue fee assessments.

§165-30.1-706 Foreclosed and Vacant Properties

Unsecured, blighted properties are an attractive nuisance for trespassers and illegal dumping. Banks and other lenders are responsible for maintaining properties while in foreclosure and must post property management contact information in the front window of the property or at any location on the property where it will be conspicuous to the public. Banks and other lenders responsible for foreclosed and vacant properties are also subject to these regulations

as well as penalties and fines. The property must remain clear of trash and debris and must be secured.

§ 165-30.1-707 Blighted Property Database

The Zoning Office may create a database to keep and maintain the records of blighted properties. The database may also include historical properties. This database may be updated at least every six months.

§165-30.1-708 Reporting Suspected Violations

Any resident or member of the public may report a suspected violation of this law. Written complaints shall be submitted on a form prescribed by the Administrator. In the absence of a written complaint, Zoning may inspect and initiate an investigation of a possible violation of this Act. A report of a suspected violation may trigger a request for an inspection warrant.

§165-30.1-709 Requests for Extension

A request for extension of the time period established for abatement shall be submitted to the Administrator in writing no later than fifteen (15) days before expiration. The Administrator may approve or disapprove the request and must notify the requestor in writing of the decision no later than fifteen (15) days from receipt of the request. In the event a written request for extension is not delivered and received by the Administrator within the fifteen (15) days after notice is issued to abate, the Order to Abate remains in effect and the property owner must comply within the stated deadline to abate. These 15-day deadline periods shall be based on calendar days, excluding holidays and weekends.

A request for an extension after the lapse of the deadline will be considered subject to the requestor providing the Administrator in writing the reason for missing the deadline to request. The Administrator shall have the discretion to request from the requestor any information necessary for the Administrator to make an informed decision whether to grant an extension, which discretion will be granted sparingly. Any extension to be granted by the Administrator shall not exceed ninety (90) consecutive days from the date the extension is granted in writing.

§165-30.1- 710 Abatement of the Nuisance

- (a) A residential property owner in violation of the Act shall have ninety (90) days from the date notice was issued from the Administrator or from the date the Notice to Abate was mailed or posted on the property to terminate/abate the nuisance or the blight without penalties. Failure of the residential property owner to terminate the nuisance or abate the blight after ninety (90) days shall result in the assessment of penalties as provided in these regulations, or a lien against the property.

- (b) A non-residential property owner in violation of the Act shall have sixty (60) days from the date notice was issued from the Administrator or from the date the Notice to Abate was mailed or posted on the property to terminate/abate the nuisance or the blight without penalties. Failure of the non-residential property owner to terminate the nuisance or abate the blight after sixty (60) days shall result in the assessment of penalties as provided in these regulations, or a lien against the property.

§ 165-30.1-711 Time to Appeal the Notice to Abate or Notice of Violation

Any Owner who does not appeal a Notice to Abate or Notice of Violation within thirty (30) days of service shall be deemed to have admitted liability, and the Administrator shall certify that such Owner failed to respond. The civil penalties, fines, costs and/or fees provided for in the Act shall be assessed in full.

§ 165-30.1-712 Repayment of Expenses and Assessment of Liens

If the Commonwealth abates the public nuisance, the owner of the property shall repay the all expenses, including administrative costs and interest, incurred by the Commonwealth. Violators will also be responsible for all costs and expenses associated with enforcement of the Act. Costs and expenses may include but are not limited to, the collection of any civil penalties, attorney fees, court costs, mailing costs, advertising costs, and filing fees.

- (a) If the Commonwealth is not repaid the total expense incurred by the Commonwealth, a lien shall be placed on the property and any other property of the owner, for the total expense or penalties imposed.
- (b) The Administrator shall have a nuisance abatement lien cost statement and invoice prepared. The nuisance abatement lien cost statement and invoice shall be mailed to the owner or otherwise served in a manner designed to provide actual notice and a “Notice of Assessment and Lien” shall be published once in a newspaper.
- (c) The lien shall be recorded with the Commonwealth Recorder’s Office and will be deemed effective and final against the real property upon which a nuisance has been abated and any other property of the owner. The lien shall be enforceable and continue in full force for 20 years after the date the lien is recorded, or discharged by payment, or stayed or terminated by the court. The lien does not accrue interest if it is paid in full within one hundred eighty (180) days after the notice. After this period, the lien accrues at an interest rate of six (6) percent per annum.
- (d) Violations of the provisions of the Act and / or these regulations shall be punishable by a civil penalty or the property may become subject to a lien. Fines will be issued in accordance with the **Schedule of Fines/ Fees, §165-30.1-715**. If remediation is not performed by the date required as stated in the Notice of Violation, fines will be issued

against the property owner for each day such violation(s) exist beyond the remediation period.

§165-30.1-713 Appeals on the Notice of Assessment of Lien

A property owner may appeal the Notice of Assessment and Lien within thirty days (30) after the date of mailing the order, or other service, including posting of the notice on the property. An appeal to the Zoning Board shall conform to the appeal process as set forth in **NMIAC § 165-30.1-703, NMIAC § 165-30.1-711**, and in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101-9115.

§165-30.1-714 Fines and Penalties

- (a) A first offense shall be subject to a minimum \$200.00 fine and any other penalties authorized under CNMI law. Second and subsequent offenses shall be subject to penalties up to \$1,000 per day and any other penalties authorized under CNMI law. Each day of violation shall constitute a separate offense, per the **Schedule of Fines/ Fees, §165-30.1-715**.
- (b) Any Owner who, after final agency action and proper notice pursuant to the Act, continues to violate the provisions of the Act, may be fined by the Administrator to the maximum allowed by law, as the same may be amended from time to time, for each day for which it can be shown based on actual inspection of the property on each such day, that the blighted premises continue to exist after written notice to the Owner as provided herein and the expiration time to remediate.

§165-30.1-715 Schedule of Fines/ Fees

	VR, VC, Others *		GC, GE, BR, TR **		Located along Thoroughfares (a.)	Per day	Payment of Fines - Days	
	1st Violation	2 nd / Repeat Violation	1st Violation	2 nd / Repeat Violation		After Deadline (b.)	Deadline (c.)	Courtesy (d.)
Residential	\$200.00	\$450.00	\$400.00	\$650.00	plus \$150	same as violation fee	7	1
Non-Residential	\$500.00	\$750.00	\$750.00	\$1,250.00	plus \$300	\$1,000.00	5	1

***:** Village Residential, Village Commercial, Mixed Commercial, Rural, Public Resource, Agricultural, and Industrial zoning districts

****:** Garapan Core, Garapan East, Beach Road, and Tourist Resort zoning districts

- (a) The main roadways where vehicles travel at speeds greater than 30 miles per hour, including, but not limited to, Beach Road, Middle Road (Chalan Pale Arnold), Isa Drive, Chalan Monsignor Guerrero, Chalan Monsignor Martinez, Tomas Sablan Road, Koblerville Road, Dandan Road, Kagman Road, and As Perdido Road.
- (b) The fine imposed starting on the day after the deadline, and each day thereafter.
- (c) The due day to pay the fine imposed, after the date of the notice to pay fine.
- (d) The day allowed to remind property owners to pay the fine before the deadline.

The “days” referenced in this schedule shall be based on calendar days, excluding holidays and weekends.

Example: If a 2nd violation occurs on a property within the GE zoning district by a business or non-residential owner then the following applies:

\$1,250 fine will be imposed and the property owner will be given a notice to pay the fine within five (5) days (c.). A courtesy notice or call will be provided for 1 day (d.) before the due date on the 5th day.

If the owner fails to pay the violation fine on the 5th day, the fine will be reassessed to include a daily accrual of \$1,000 (b.) beginning on the 6th day and everyday thereafter until the fine is paid in full.

Fees:

TYPE	Residential:	Non-Residential:
Mothballing Certificate	\$365.00 annual / \$2.00 per day	\$1,005.00 annual or \$3.50 per day
Compliance Plan Violation	\$50.00 per month	\$200.00 per month



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 08, pp. 051211-051217 of August 15, 2024

**AMENDMENTS TO THE TEMPORARY OCCUPANCY
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 Temporary Occupancy 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 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.

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 08, pp. 051211-051217 of the Commonwealth Register dated August 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 • 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

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:

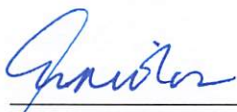


TERESITA A. SANTOS
Secretary, DPL

9/13/2024

Date

Filed and recorded by:



ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

9.13.2024

Date



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950



PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS: ADOPTION OF THE FEDERAL FOOD AND DRUG ADMINISTRATION MODEL FOOD CODE AND ANNEXES 2022

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent regulations the Federal Food and Drug Administration Model Food Code and Annexes 2022, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)). These regulations will repeal and replace the existing Food Handlers Rules and Regulations currently codified at NMIAC Subchapter 140-20.3.

AUTHORITY: The regulations are proposed pursuant to the authority of the Commonwealth Environmental Health and Sanitation Act of 2000, P.L. 12-48. The Board of Trustees may prepare and adopt rules and regulations for any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle vendors, and all aspects of food or drink vending services in the Commonwealth of the Northern Mariana Islands. 3 CMC §§2123(a)(2) and (a)(3).

THE TERMS AND SUBSTANCE: The proposed Federal Food and Drug Administration Model Food Code and Annexes 2022 provide the minimum standards and procedures to ensure environmental health and sanitation for any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle vendors, and all aspects of food or drink vending services, to assure sanitary operations of food facilities that provide food directly to consumers in order to minimize or eliminate possible transmission or introduction of disease that may be injurious to human beings.

THE SUBJECTS AND ISSUES INVOLVED: The proposed Federal Food and Drug Administration Model Food Code and Annexes 2022 set forth the rules and regulations for any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle vendors, and all aspects of food or drink vending services.

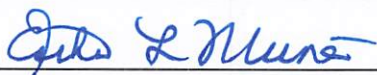
DIRECTIONS FOR FILING AND PUBLICATION: This Notice of Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted

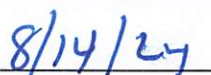
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Telephone: (670) 236-8201/2 FAX: (670) 233-8756

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 (1CMC § 9104(A)(1)) codified at NMIAC Subchapter 140-20.3. Due to the length of the FDA Model Food Code and Annex 2022, copies are available online at: <https://www.fda.gov/media/164194/download?attachment>

TO PROVIDE COMMENTS: Send or deliver your comments on the proposed adoption of the Federal Food and Drug Administration Model Food Code and Annexes 2022 to John M. Tagabuel, Administrator of Environmental Health & Disease Prevention, john.tagabuel@chcc.health, Attn: Adoption of the Federal Food and Drug Administration Model Food Code and Annexes 2022 at the above address, fax or email address, with the subject line "Adoption of the Federal Food and Drug Administration Model Food Code and Annexes 2022." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These proposed regulations were approved by the CHCC Board of Trustees and the CHCC CEO.

Submitted by: 
ESTHER L. MUNA


Date


JUAN N. BABAUTA
Board Chair


Date

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


Date

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

Dated the  day of , 2024.


EDWARD E. MANIBUSAN
Attorney General

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

SUBCHAPTER 140-20.3

RULES AND REGULATIONS GOVERNING ANY ESTABLISHMENT OR ACTIVITY INVOLVING FOOD OR DRINK SERVICE, TEMPORARY FOOD SERVICE, FOOD RETAIL, WHOLESALE AND TRANSPORTATION OPERATIONS, PUSHCARTS, CATERERS, OR MOTOR VEHICLE VENDORS

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ANNEX 6 Food Processing Criteria

ANNEX 7 Model Forms, Guides and Other Aids

Subchapter Authority: 3 CMC §§ 2123(a)(2) and (a)(3)

Subchapter History: Adopted 28 Com. Reg. 26186 (Sept. 27, 2006); Proposed 28 Com. Reg. 25787 (June 19, 2006).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(a) grants the Department the power and duty to maintain and improve health and sanitary conditions in the CNMI. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001.

PL 12-48 (effective Apr. 26, 2001), the “Commonwealth Environmental Health and Sanitation Act of 2000,” codified at 3 CMC §§ 2121-2147, revised the Commonwealth statutes related to environmental health and sanitation. PL 12-48 § 3 repealed former 3 CMC §§ 2121-2126 and enacted new sanitation provisions. 3 CMC § 2122 requires a sanitary permit to operate enumerated establishments. 3 CMC § 2123 directs the Secretary of Public Health to promulgate rules and regulations required to ensure the sanitary operation of listed establishments.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

Part 001- General Provisions

§140-20.3-001 Authority

Pursuant to the authorities of Public Law 12-48 (Commonwealth Environmental Health and Sanitation Act of 2000) [3CMC §§ 2121-2147] the Secretary of the Department of Public Health is authorized to establish regulations for any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle vendors, and all aspects of food or drink vending services in the Commonwealth of the Northern Mariana Islands. 3 CMC §§2123(a)(2) and (a)(3).

§140-20.3-005 Purpose

The regulations in this subchapter are being adopted pursuant to PL 12-48 [3 CMC §§ 2121-2147]. They are designed to provide minimum requirements, policies, and procedures pertaining to any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle vendors, to assure sanitary operations of food facilities that provide food directly to consumers in order to minimize or eliminate possible transmission or introduction of disease that may be injurious to human beings.

§140-20.3-010 Binding

The regulations in this subchapter shall be binding upon all persons in the Commonwealth of the Northern Mariana Islands.

§140-20.3-015 Definitions

The Commonwealth Healthcare Corporation (CHCC) hereby adopts the definitions provided in the Food Code 2022 and Annexes.

Part 100 Adoption of the Food Code 2022 and Annexes

§140-20.3-101 Adoption of the Food Code 2022 and Annexes

- (a) The Commonwealth Healthcare Corporation (CHCC) hereby adopts by reference the following regulations and annexes contained in the Food Code, 2022 Recommendations of the United States Public Health Service/Food and Drug Administration as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (the “Food Code 2022 and Annexes”).
- (b) Due to the length of the FDA Model Food Code and Annex 2022, it is incorporated by reference herein, and a person wishing a copy shall be directed to the publisher of the Food Code. Non-certified copies are also available online at <https://www.fda.gov/media/164194/download?attachment>

Incorporated by Reference

- (a) Chapter 1 Purpose and Definitions
- (b) Chapter 2 Management and Personnel
- (c) Chapter 3 Food
- (d) Chapter 4 Equipment, Utensils, and Linens
- (e) Chapter 5 Water, Plumbing, and Waste
- (f) Chapter 6 Physical Facilities
- (g) Chapter 7 Poisonous or Toxic Materials
- (h) Chapter 8 Compliance and Enforcement
- (i) Annex 1 Through 7

§140-20.3-105 Amendments

The regulations referenced in §140-20.3-101 are adopted in their entirety with the following amendments:

- (a) **Demerit Values**
For each violation of a critical control point, a demerit value shall be assigned. Upon completion of an inspection, the regulatory authority shall total the demerit point values for all requirements in violation, such total becoming the grade for the establishment.
- (b) **Demerit Scores; Grades**
Grades shall be based on the following demerit scores:

1. Grade A - An establishment having a score of not more than ten demerits.
2. Grade B - An establishment having a score of more than ten, but not more than twenty.
3. Grade C - An establishment having a score of more than twenty, but not more than thirty.

§ 140-20.3-110 Description of Food Code Regulations Adopted

- (a) Chapter 1 Purpose and Definitions: establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension.
- (b) Chapter 2 Management and Personnel: Prescribes the requirements and duties for supervision, employee health, personal cleanliness, hygienic practices, and responding to contaminated events.
- (c) Chapter 3 Food: Prescribes the requirements for food characteristics, sources, specifications, and original containers and records, protection from contamination after receiving, destruction of organisms of public health concerns, limitation of growth organisms, food identity, presentation, and on-premises labeling, contaminated food and special requirements for highly susceptible populations.
- (d) Chapter 4 Equipment, Utensils, and Linens: Specifications for materials for construction and repair, design and construction, equipment capacities, location and installation, maintenance and operations, cleaning methods and frequency, sanitization, laundering and protection from contamination.
- (e) Chapter 5 Water, Plumbing, and Waste: Specifications for water, plumbing system, mobile water tank, sewage, liquid waste, rainwater, refuse, recyclables and returnables.
- (f) Chapter 6 Physical Facilities: Requirements for materials for construction and repair, design, construction and installation, number and capacities, location and placement, maintenance and operation.
- (g) Chapter 7 Poisonous or Toxic Materials: Requirement for labeling and identification, operational supplies and applications, stock and retail sale.
- (h) Chapter 8 Compliance and Enforcement: Prescribes procedures for plan submission and approval, permit to operate, inspection and correction of violations, prevention of foodborne disease and transmission by employees.
- (i) Annex 1 Compliance and Enforcement: Provisions, in codified form, that provides a full array of enforcement mechanisms.
- (j) Annex 2 References: Reference to federal statutes contained in the United States Code (USC) and the Code of Federal Regulations (CFR), and scientific data.
- (k) Annex 3 Public Health Reasons/Administrative Guidelines: Provides the scientific reasoning behind the regulations.
- (l) Annex 4 Management of Food Safety Practices—Achieving Active Managerial Control of Foodborne Illness Risk Factors: Overview of each of the seven principles of Hazard Analysis Critical Control Point (HACCP) principles.

- (m) Annex 5 Conducting Risk-Based Inspections: Provide regulatory staff with guidance on planning, scheduling, conducting, and evaluating risk-based inspections.
- (n) Annex 6 Food Processing Criteria: Processing criteria for different types of food manufacturing/processing operations for use by those preparing and reviewing HACCP plans and proposals.
- (o) Annex 7 Model Forms, Guides, and Other Aids: Documents intended to facilitate the application of provisions related to employee health and food establishment inspections.

Part 200 Enforcement

§ 140-20.3-201 Adoption of Enforcement and Compliance Procedures

Enforcement and compliance with the Food Code 2022 and Annexes shall be performed in accordance with Chapter 8 of the Food Code 2022 and Annexes as modified by this subchapter.

§ 140-20.3-205 Authorities, Methods, Fines, and Sentences

- (A) The Regulatory Authority may seek to enforce the provisions of this Code and its orders by instituting criminal proceedings as provided by law against the permit holder or other persons who violate its provisions.
- (B) A person who violates a provision of this Code shall, upon issuance of notice to the permit holder or person in charge by the Secretary, be guilty of a misdemeanor, punishable by:
 - (1) On conviction for a first offense, a fine of not more than (\$500.00) dollars, or by imprisonment not exceeding three (3) months, or both the fine and imprisonment; and for a subsequent offense, a fine not exceeding (\$1,000.00) or imprisonment not exceeding six (6) months, or both; or
 - (2) If the person has been convicted once of violating this Code or if there is an intent to defraud or mislead, a fine not exceeding (\$5000.00) or imprisonment not exceeding three (3) years or both.
- (C) Each day on which a violation occurs is a separate violation under this section.

§ 140-20.3-210 Petitions, Penalties, and Continuing Violations

- (A) The regulatory authority may petition a court of competent jurisdiction to enforce the provisions of this Code or its administrative order and according to law collect penalties and fees for violations.
- (B) In addition to any criminal fines and sentences imposed as specified in § 8- 911.10, or to being enjoined as specified in § 8-912.10, a person who violates a provision of this Code, any rule or regulation adopted in accordance with law related to Food Establishments within the

scope of this Code, or to any term, condition, or limitation of a permit issued as specified in §§ 8-303.10 and 8- 303.20 is subject to a civil penalty:

- (1) First Offense: The permit holder shall receive a warning letter.
- (2) Second Offense: A fine of not more than (\$500.00) dollars.
- (3) Subsequent Offenses: The permit holder shall be subject to a fine of up to \$1,000.00 for each subsequent offense.

(C) Each day on which a violation occurs is a separate violation under this section



Commonwealth Healthcare Corporation

Commonwealth gi Sangkattan na Islas Mariãnas
1178 Hinemlu' St. Garapan, Saipan, MP 96950



NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASIÓ SIHA: INADÁPTRAN I NENKANU' FEDIRÁT YAN "DRUG ADMINISTRATION MODEL FOOD CODE" YAN "ANNEXES 2022"

I AKSIÓN NI MA'INTENSIONA PARA U ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASIÓ SIHA: I "Commonwealth Healthcare Corporation (i CHCC) ha intensiona para u adápta petmanienti i regulasió i Nengkanu' Fedirát yan "Drug Administration Model Food Code" yan "Annexes 2022", sigun gi maneran i Ákton Administrative Procedure, 1 CMC §9104(a). I regulasió siempri umifektibu gi halum dies dihas (10) dispues di adáptasió yan publikasió gi halum i Rehistran Commonwealth. (1 CMC § 9105(b)). Esti na regulasió siempri ha na'suha yan tulaika i maneksissisti na Areklamentu yan Regulasió i Manfácho'chu' Nengkanu' gi prisenti ma-codified gi NMIAC Subchapter 140-20.3.

ÁTURIDÁT: I regulasió manmapropo poni sigun gi áturidát nu i Ákton "Commonwealth Environmental Health and Sanitation" nu 2000, P.L. 12-48. I Kuetpun "Trustees" siña ha pripára yan adápta i areklamentu yan regulasió siha para maseha háfa na istapblesimentu osino aktibidát ni nina'sãosão não sitbisiun nengkanu' yan gimin siha, tempuráriu na sitbisiun nengkanu', binendin nengkanu', "wholesale" yan operasió transpottasió, karesan machonnik, "caterers", pat bisnis kareta, yan todú klásin nu nengkanu' pat sitbisiun mákinan gimin siha gi halum iya Commonwealth gi Sangkattan na Islas Mariãnas. 3 CMC §§2123(a)(2) yan (a)(3).

I TEMA YAN I SUSTANSIA I PALÁBRA SIHA: I manmaproponi na Nengkanu' Fedirát yan "Drug Administration Model Food Code" yan "Annexes 2022" prumibeni i putlumenus na "standards" yan manera siha para u na'siguráo i hinemlu' yan ginásgas uriyan i maseha háfa na fondasió osino aktibidát asuntun nengkanu' pat sitbisiun gimin, tempuráriu na sitbisiun nengkanu', tendan nengkanu', "wholesale" yan operasió transpottasió, karesan machonnik, "caterers", pat bisnis kareta, yan todú klásin nengkanu' pat sitbisiun mákinan gimin siha, para u na'siguru na i "sanitary operations" fasilidát nengkanu' ni mampribebeni nengkanu' guatu gi "consumers" put para u na'menus pat na'suha pusipbli na chinalapun osino manátmi nu chetnut ni siña ha na'lámin i táotáo siha.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: I manmaproponi Nengkanu' Fedirát yan "Drug Administration Model Food Code" yan "Annexes 2022" pumega mo'na i areklamentu yan regulasió siha para maseha háfa na fondasió osino aktibidát asuntun nengkanu' pat sitbisiun gimin, tempuráriu na sitbisiun nengkanu', tendan nengkanu', "wholesale" yan operasió transpottasió, karesan machonnik, "caterers", pat bisnis kareta, yan todú klásin nengkanu' pat sitbisiun mákinan gimin siha.

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DIREKSIÓN PARA U MAPO'LU YAN MAPUPBLIKA: Esti i Nutisia put i Manmaproponi na Regulasi3n siha siempri mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni manmaproponi yan nuebu na manma'ad3pta na regulasion siha (1 CMC § 9102(a)(1)) ya u mapega gi halum kumbinienti na lug3t siha gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu gi Inglis yan i dos prinsip3t na linggu3hin natibu (1 CMC § 9104(A)(1)) ma-codified gi NMIAC Subchapter 140-20.3. Sa' put i inapmam nu i "FDA Model Food Code" yan "Annex 2022", i kopia siha managuaha online gi:

<https://www.fda.gov/media/164194/download?attachment>

PARA U MAPRIBENIYI UPIÑON SIHA: Na'h3n3o pat intrega h3lum i upiñom-mu gi manmaproponi na ad3ptasion nu i Nengkanu' Fedir3t yan "Drug Administration Model Food Code" yan "Annexes 2022" guatu as John M. Tagabuel, "Administrator of Environmental Health & Disease Prevention, john.tagabuel@chcc.health, Attn: Ad3ptasi3n nu i Nengkanu' Fedir3t yan "Drug Administration Model Food Code" yan "Annexes 2022" gi sanhilu' na address, fax pat email address, yan i suhetu na rason "Ad3ptasi3n nu i Nengkanu' Fedir3t yan "Food and Drug Administration Model Food Code" yan "Annexes 2022." I upiñon siha debi di u fanh3lum gi halum 30 dihas ginin i fetchan publikasi3n esti na nutisia. Put fabot intrega halum i infotmasi3n, tinestigu, agumentom-mu siha. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasi3n siha maninaprueba ni Kuetpun Trustees i CEO i CHCC.

Nina'h3lum as:



ESTHER L. MUNA
Atk3tdin Eksakatibun Ufisi3t

8/14/24

Fetcha



JUAN N. BABAUTA
Kabesi3yun Kuetpu

8/14/24

Fetcha

Pine'lu yan
Ninota as:



ESTHER M. SAN NICOLAS
Rehistran Commonwealth

9.12.2024

Fetcha

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Sigun i 1 CMC § 2153 (e), (Inapruedian Abugãdu Hinirãt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedian Abugãdu Hinirãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisient i ligãt ginin i CNMI Abugãdu Hinirãt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupublikasion areklamentu yan regulasion siha).

Mafetcha gi diha 19th gi August, 2024.



EDWARD E. MANIBUSAN
Abugãdu Henerãt



Commonwealth Healthcare Corporation

Commonwealth Téel Falúw kka Efáng Ilól Marianas
1178 Hinemlu' St. Garapan, Saipan, MP 96950



ARONGORONGOL TOULAP REEL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT: ADÓPTAAL MILLE "FEDERAL FOOD AND DRUG ADMINISTRATION MODEL FOOD CODE AND ANNEXES 2022"

MÁNGEMÁNGIL MWÓGHUT REEL ADÓPTAAL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT KKAAL: Commonwealth Healthcare Corporation (CHCC) re mángemángil rebwe adóptaa mwóghutughut kkaal bwe ebwe lléghló iye "Federal Food and Drug Administration Model Food Code and Annexes 2022", sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut kkaal seigh ráál mwiril aal adóptáali me akkatééwowul me Ilól Commonwealth Register. (1 CMC § 9105(b)) Mwóghutughut kkaal ebwe milaaló me siiweli mille e lo bwe Alléghúl me Mwóghutughutúl "Food Handlers" iye e itittiw me NMIAC Subchapter 140-20.3.

BWÁNGIL: E ppwommw mwóghutughut sáangi bwángil Commonwealth Environmental Health and Sanitation Act of 2000, P.L. 12-48. Board of Trustees emmwelil rebwe ayoora ammwel me adóptáali allégh me mwóghutughut ngáli "establishment" ngare mwóghutughut ikka e schuulong angaangil mwongo me úúl, "temporary food service", "food retail", "wholesale and transportation operation", "pushcarts", "caterers", ngare "motor vehicle vendors", me alongal tappal mille "food or drink vending services" me Ilól Commonwealth Téel Falúw kka Efáng Ilól Marianas. 3 CMC §§2123(a)(2) me (a)(3).

KKAPASAL ME AWEEWEEL: Ppwommw iye Federal Food and Drug Administration Model Food Code and Annexes 2022 e ayoora "minimum standards" me mwóghutughut ebwe leghileghiiy bwe "environmental health" me "sanitation" ngáli "establishment" ngare mwóghutughut ikka e schuulong angaangil mwongo me úúl, "temporary food service", "wholesale and transportation operations", "pushcarts", "caterers", ngare "motor vehicle vendors", me alongal tappal mille "food or drink vending services", reel rebwe alúghúúw "sanitary operations" reel leliyál mwongo ngare "food facilities" iye e ayoorai ngáliir toulap mwongo bwulul igha ebwe ghitighiit ngare essóbw yoor schagh mille "possible transmission" ngare yoor bweletáál semwááy iye ebwe anngawa aramas.

KKAPASAL ME AUTOL: Ppwommw iye Federal Food and Drug Administration Model Food Code and Annexes 2022 aa ffat me ebwe tééló mmwal bwe allégh me mwóghutughut ngáli "establishment" ngare mwóghutughut iye e schuulong angaangil mwongo me úúl, "temporary food service", "food retail", "wholesale and transportation operations", "pushcarts", "caterers", ngare "motor vehicle vendors", me alongal tappal mille "food or drink vending services".

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AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Arongorongol Ppwommwol Mwóghutughut me Ilól Commonwealth Register Ilól táilil ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschetá me civic center me bwal Ilól bwulasiyol gobetnameento Ilól senatorial district, fengál reel English me mwáliyaasch (1CMC § 9104(A)(1)) itittiw me NMIAC Subchapter 140-20.3. Reel igha e láálááy lapal mille FDA Model Food Code me Annex 2022, e yoor pappidil mille online me: <http://www.fda.gov/media/164194/download?attachment>

REEL ISIISILONGOL KKAPAS: Afanga ngare bwughilól yóómw ischil kkapas wóól ppwommwol adóptaal ikka e lo wóól "Federak Food and Drug Administration Model Food Code and Annexes 2022" ngáli John M. Tagabuwil, Administrator reel Environmental Health & Disease Prevention, john.tagabuel@chcc.health, Attn: Adoption of the Federal Food and Drug Administration Model Food Code and Annexes 2022 reel féléfél iye e lo weiláng, fax ngare email address, ebwe lo wóól subject line bwe "Adoption of the Federal Food and Drug Administration Model Food Code and Annexes 2022". Ebwe toolong ischil kkapas Ilól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngare angiingi. (1 CMC § 9104(a)(2)).

Aa átirow ppwommwol mwóghutughut kkaal sáangi CHCC Board-il Trustees me CHCC CEO.

Isáliyalong:


ESTHER L. MUNA

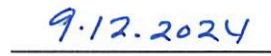

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JUAN N. BABAUTA
Board Chair

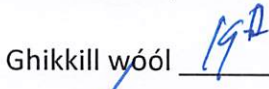
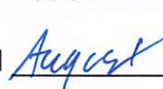

Ráál

Ammwelil:


ESTHER M. SAN NICOLAS
Commonwealth Registrar


Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa ffil reel fféérúl) me 1 CMC § 91049(a)(3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Ghikkill wóól  ráálil , 2024.


EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950



PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS:

The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the attached additional Chargemaster pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The additional Chargemaster will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Board of Trustees may prepare and adopt rules and regulations to assure delivery of quality health care and medical services and the financial viability of the Corporation that will best promote and serve its purposes. 3 CMC Section 2826(c).

THE TERMS AND SUBSTANCE: These are new fees.

THE SUBJECTS AND ISSUES INVOLVED: New fees.

DIRECTIONS FOR FILING AND PUBLICATION: This Notice of Proposed Amendments to the Chargemaster 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)) codified at NMIAC Sections 140-10.8-101. Copies are available upon request from Roxanne Ada, Director of Revenue.

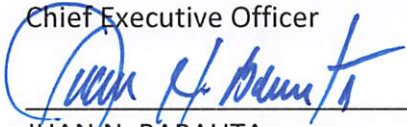
TO PROVIDE COMMENTS: Send or deliver your comments to Roxanne Ada, Director of Revenue, roxanne.ada@chcc.health, Attn: *Amendments to the Chargemaster for Various Fees* at the above address, fax or email address, with the subject line "Amendments to the Chargemaster for Various Fees." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

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Telephone: (670) 236-8201/2 FAX: (670) 233-8756

These proposed amendments to the Chargemaster, for Various Fees were approved by the CHCC Board of Trustees and the CHCC CEO.

Submitted by: 
ESTHER L. MUNA

08/15/24
Date

Chief Executive Officer

JUAN N. BABAUTA
Board Chair

08/15/2024
Date

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

9.12.2024
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 proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 19th day of August, 2024.


EDWARD E. MANIBUSAN
Attorney General

Fee Edits - 03/2024-06/2024

REV CODE	CHARGE CODE	CPT MOD	Description	Reason for change	Previous Price	New Price
960	965002583291	49593 26	RPR AA HERNIA 1ST 3-10 CM REDUCIBLE	NEW		\$ 1,637.67
960	965001183855	36581 26	RPLCMT COMPL TUN CVC W/O SUBQ PORT/PMP	UPDATE	\$ 74.55	\$ 535.71
960	965002583292	62321 26	NJX DX/THER SBST INTRLMNR CRV/THRC W/IMG GDN	NEW		\$ 321.66
960	965002583293	62323 26	NJX DX/THER SBST INTRLMNR LMBR/SAC W/IMG GDN	NEW		\$ 297.36
960	965002583294	64490 26	NJX DX/THER AGT PVRT FACET JT CRV/THRC 1 LEVEL	NEW		\$ 317.37
960	965002583295	64492 26	NJX DX/THER AGT PVRT FACET JT CRV/THRC 3+ LEVEL	NEW		\$ 178.14
960	965002583296	64455 26	NJX AA&/STRD PLANTAR COMMON DIGITAL NERVES	NEW		\$ 97.29
960	965002583297	64491 26	NJX DX/THER AGT PVRT FACET JT CRV/THRC 2ND LEVEL	NEW		\$ 174.75
960	965002583298	20611 26	ARTHROCENTESIS ASPIR&/INJ MAJOR JT/BURSA W/US	NEW		\$ 173.88
960	965002583299	64636 26	DSTR NROLYTC AGNT PARVERTEB FCT ADDL LMBR/SACRAL	NEW		\$ 173.07
361	365000289434	64624 TC	DESTRUCTION NEUROLYTIC AGT GENICULAR NERVE W/IMG	NEW		\$ 3,679.26
960	965002583300	64624 26	DESTRUCTION NEUROLYTIC AGT GENICULAR NERVE W/IMG	NEW		\$ 442.23
361	365000289436	64450 TC	INJECTION AA&/STRD OTHER PERIPHERAL NERVE/BRANCH	NEW		\$ 1,317.80
960	965002583301	64450 26	INJECTION AA&/STRD OTHER PERIPHERAL NERVE/BRANCH	NEW		\$ 250.95
960	965002583302	28039 26	EXCISION TUMOR SOFT TIS FOOT/TOE SUBQ 1.5 CM/>	NEW		\$ 1,040.10
960	965002583303	61210 26	BURR HOLE IMPLANT VENTRICULAR CATH/OTHER DEVICE	NEW		\$ 1,020.99
300	315000180976	80159 TC	DRUG ASSAY CLOZAPINE	NEW		\$ 60.45
960	965002583304	28039 26	EXCISION TUMOR SOFT TIS FOOT/TOE SUBQ 1.5 CM/>	NEW		\$ 1,040.10
300	315000180977	80143 TC	DRUG ASSAY ACETAMINOPHEN	NEW		\$ 55.92
300	315000180978	80179 TC	DRUG ASSAY SALICYLATE	NEW		\$ 55.92
960	965002583305	11045 26	DEBRIDEMENT SUBCUTANEOUS TISSUE EA ADDL 20 SQ CM	NEW		\$ 73.92
960	965002583306	38900 26	INTRAOP SENTINEL LYMPH NODE ID W/DYE INJECTION	NEW		\$ 397.44
960	965002583307	46040 26	I&D ISCHIORECTAL&/PERIRECTAL ABSCESS SPX	NEW		\$ 1,331.58
960	965002583308	46945 26	INT HRHC BY LIGATION SINGLE HROID W/O IMG GDN	NEW		\$ 1,088.22
370	965002583312	01130	ANESTHESIA BODY CAST APPLICATION OR REVISION	NEW		\$ 124.14
636	965002583313	01922	ANES NON-INVASIVE IMAGING/RADIATION THERAPY	NEW		\$ 269.52
960	965002583309	47534 26	PRQ PLMT BILIARY DRG CATH W/IMG GID RS&I INT-EXT	NEW		\$ 1,068.30
960	965002583310	50432 26	PLMT NEPHROSTOMY CATH PRQ NEW ACCESS RS&I	NEW		\$ 600.84
960	965002583311	62328 26	DIAGNOSTIC LUMBAR SPINAL PUNCTURE W/FLUOR OR CT	NEW		\$ 253.44
960	965002583312	49083 26	ABDOM PARACENTESIS DX/THER W/IMAGING GUIDANCE	NEW		\$ 316.50
960	965001183885	36833 26	REVJ OPN ARVEN FSTL W/THRMBC DIAL GRF	UPDATE	\$ 653.10	\$ 2,293.38
960	965002583313	27632 26	EXCISION TUMOR SOFT TISSUE LEG/ANKLE SUBQ 3 CM/>	NEW		\$ 1,261.47
960	965001284047	45331 26	SIGMOIDOSCOPY FLX W/BIOPSY SINGLE/MULTIPLE	UPDATE	\$ 63.00	\$ 220.92
960	965002583314	26111 26	EX TUM/VASC MALT SFT TISS HAND/FNGR SUBQ 1.5CM/>	NEW		\$1,316.07
960	965002583315	36561 26	INSJ TUNNELED CTR VAD W/SUBQ PORT AGE 5 YR/>	NEW		\$ 983.10
960	965002583316	99497 26	ADVANCE CARE PLANNING FIRST 30 MINS	NEW		\$ 228.84
960	965002583317	99498 26	ADVANCE CARE PLANNING EA ADDL 30 MINS	NEW		\$ 215.40
960	965002583318	64646 26	CHEMODENERVATION OF TRUNK MUSCLE 1-5 MUSCLES	NEW		\$ 344.91
369	365000289437	64646 TC	CHEMODENERVATION OF TRUNK MUSCLE 1-5 MUSCLES	NEW		\$ 1,317.80
369	365000289438	65426 TC	EXCISION/TRANSPOSITION PTERYGIUM W/GRAF	NEW		\$ 4,452.96
960	965002583319	49591 26	RPR AA HERNIA 1ST < 3 CM REDUCIBLE	NEW		\$ 999.93
960	965002583320	50590 26	LITHOTRIPSY XTRCORP SHOCK WAVE	NEW		\$ 1,751.40
960	965002583321	47536 26	EXCHANGE BILIARY DRG CATH	NEW		\$ 384.78
960	965001183882	36830 26	ARTERY-VEIN NONAUTOGRAFT	UPDATE	\$ 647.85	\$ 1,893.24
300	315000180979	82166 TC	ASSAY OF ANTI-MULLERIAN HORMONE	NEW		\$ 115.86
960	965002583322	62328 26	DIAGNOSTIC LUMBAR SPINAL PUNCTURE W/FLUOR OR CT	NEW		\$ 253.44
960	965002583323	G3003 26	CHRONIC PAIN MGMT ADDL 15M	NEW		\$ 78.57
960	965002583324	G3002 26	CHRONIC PAIN MGMT 30 MINS	NEW		\$ 225.54
360	365000289439	50590 TC	LITHOTRIPSY XTRCORP SHOCK WAVE	NEW		\$ 6,643.16



Commonwealth Healthcare Corporation

Commonwealth gi Sankattan na Islas Mariñas
1178 Hinemlu' St. Garapan, Saipan, MP 96950



NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI CHCC CHARGEMASTER PARA DIFIRENTIS NA ÂPAS

I AKSION NI MA'INTENSIONA PARA U ADÂPTA ESTI I MANMAPROPONI NA TINILAIKA GI AREKLAMENTU YAN REGULASION SIHA: I Commonwealth Healthcare Corporation (i CHCC) ha intensiona para u adâpta komu petmanienti i mañechettun na hina'halum Chargemaster sigun gi maneran i Âkton Administrative Procedure, 1 CMC § 9104(a). I hina'halum Chargemaster siempri umifektibu gi halum dies (10) dihas dispues di adâptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÂT: I Board of Trustees siña mapripâra yan adâpta i areklamentu yan regulasion siha para u mana'garantiha na manmannâna' i kuâlidât na inadahin hinemlu' yan setbisiun mediku yan i macho'cho'chu' na fainansiât nu i Corporation ni mäs ha na'adilantão yan sietbi i rason-ñiha siha. 3 CMC Seksiona 2826(c).

I TEMA YAN SUSTÂNSIAN I PALÂBRA SIHA: Mannuebu na âpas siha.

I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: Nuebu na âpas siha.

DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti na nutisia put i Manmaproponi na Amenda siha gi Chargemaster siempri mapupblika gi halum Rehistran Commonwealth halum i seksiona gi maproponi yan nuebu na manma'adâpta na regulasion siha (1 CMC § 9102(a)(1)) yan mapega gi halum kumbinienti na lugât halum i civic center yan halum i ufisinan gubietnamentu gi kada distritun senadot, parehu gi finu' Inglis yan i prinsipât na linguâhi natibu (1 CMC § 9104(A)(1)) codified gi NMIAC na Seksiona 140-10.8-101. Managuaha kopia yanggin marikuesta ginen as Roxanne Ada, i Direktot Reditu.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânão pat intrega hălum i upiñom-mu guatu as, i Direktot Reditu, roxanne.ada@chcc.health, Attn: "Amenda gi Chargemaster, para Difirentis na Âpas" gi sanhilu' na address, fax osino email address, yan i suhetu na rãya "Amenda gi Chargemaster, para Difirentis na Âpas." I upiñon siha debi na u fanhălum gi halum trenta (30) dihas ginen i fetchan publikasion esti na nutisia. Put fabot na'hălum i infotmasion, upiñon pat testimonion kinentrãm-mu siha. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

Esti i manmaproponi na amenda siha gi Chargemaster, para Difirentis Ápas ginen maninaprueba ni i Kuetpun CHCC Trustees yan i CHCC CEO.

Nina'hålum as:



ESTHER L. MUNA
Chief Executive Officer

08/15/24

Fetcha

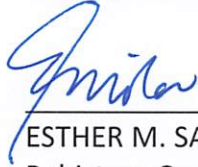


JUAN N. BABAUTA
Kabesiyun Kuetpu

08/15/2024

Fetcha

Pine'lu yan
Ninota as:



ESTHER M. SAN NICOLAS
Rehistran Commonwealth

9.12.2024

Fetcha

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

Mafetcha gi diha 17th gi August, 2024.



EDWARD E. MANIBUSAN
Abugådu Hiniråt



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950



ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGALI CHCC CHARGEMASTER NGALI AKKÁÁW ÓBWÓSS PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

MÁNGEMÁNGIL MWÓGHUTH REEL REBWE ADÓPTÁÁLI PPWOMMWOL SIIWEL NGALI ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Healthcare Corporation (CHCC) re mángemángil rebwe adóptááli Chargemaster ikka e schuulong ikka e appasch bwe ebwe lléghló sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Chargemaster ikka rebwe bwal aschuulong ebwe bwunguló seigh (10) ráál mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Emmwel bwe Board of Trustees rebwe ayoora mmwelil me adóptááli allégh me mwóghutughut reel ebwe ffat issisiwowul ghatchúl health care me alilisil mediku me mille financial viability sáangi Corporation iye ebwe ghatch le alisi fféerú aar angang. 3 CMC Táilil 2826(c).

KKAPASAL ME WEEWEEL: Ikkaal ffél óbwóss.

KKAPASAL ME AUTOL: Ffél óbwóss.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Arongorongol Ppwommwol Liiwel ngáli Chargemaster me llól Commonwealth Register llól táilil ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center llól bwulasiyol gobetnameento me llól senatorial district, fengál reel English me mwáliyaasch (1CMC § 9104(A)(1)) iye e itittiw me NMIAC Táilil 140-10.8-101. Emmwel ubwe tingór pappidil mille sáangi Roxanne Ada, Director-il Revenue.

REEL ISIISILONGOL KKAPAS: Afanga ngare bwughiló yóómw ischil kkapas ngáli Roxanne Ada, Director-il Revenue, roxanne.ada@chcc.health, Attn: Amendments to the Chargemaster, for Various Fees reel féléfél iye e lo weiláng, fax ngare email address, fengál wóól subject line bwe "Amendments to the Chargemaster, for Various Fees." Ebwe toolong ischil kkapas llól eliigh (30)

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ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngare angíngi. (1 CMC § 9104(a)(2)).

Aa átirow ppwommwol liiwel kkaal ngáli Chargemaster, for Various Fees sángi CHCC Board-il Trustees me CHCC CEO.

Isáliyalong:



ESTHER L. MUNA
Chief Executive Officer

08/15/24

Ráál



JUAN N. BABAUTA
Board Chair

08/15/2024

Ráál

Ammwelil:



ESTHER M. SAN NICOLAS
Commonwealth Registrar

9.12.24

Ráál

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut kkaal bwe aa lléghlól reel fféerúl me ebwe arongowow) me 1 CMC § 9104(a)(3) (sángi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghlól reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Ghikill wóól 19th ráálil August, 2024.



EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap



CNMI DEPARTMENT OF LABOR

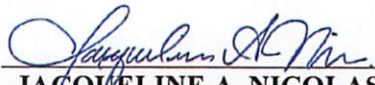
ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0254
)
Anemary Yoshida,)
)
Appellant,) ADMINISTRATIVE DECISION
) GRANTING APPELLANT'S REQUEST
v.) FOR DISMISSAL
)
CNMI Department of Labor,)
)
Appellee.)

On July 22, 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 July 25, 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 **22nd** day of July, 2024.


JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

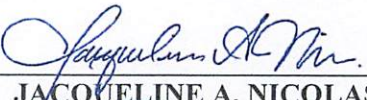
ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0257
Jong Myung Kim,)
Appellant,) ADMINISTRATIVE DECISION
v.) GRANTING APPELLANT'S REQUEST
CNMI Department of Labor,) FOR DISMISSAL
Appellee.)

On July 26, 2024, Appellant filed a written request to voluntarily dismiss his appeal so he can pursue reconsideration with the Department. The Department does not oppose 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 8, 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 **29th** day of July, 2024.


JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0259
)
Jaime Pascual,)
)
Appellant,) ADMINISTRATIVE DECISION
) GRANTING APPELLANT'S REQUEST
v.) FOR DISMISSAL
)
CNMI Department of Labor,)
)
Appellee.)

On July 24, 2024, Appellant filed a written request to voluntarily dismiss his appeal so he can pursue reconsideration with the Department. The Department does not oppose 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 14, 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 **25th** day of July, 2024.

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

In Re Matter of:) **Labor Case No. 24-002**
MD Mijanur Rahman Bhuiyan,) **Secretary Appeal No. 24-001**
Appellant,)
v.) **FINAL AGENCY DECISION**
JRB Corporation,)
Appellee.)

I. INTRODUCTION

On May 29, 2024, Appellant initiated a labor case against Appellee for unpaid wages and unpaid overtime. In support of the complaint, Appellant included two CW-1 Petition Approval Notices, an employment contract, and a handwritten list of his alleged work schedule. On June 10, 2024, Appellee filed a motion to dismiss the Appellant as untimely. Upon review, Appellant was ordered to show cause why the above-captioned complaint should not be dismissed. On June 18, 2024, Appellant submitted a typed statement to the Administrative Hearing Office reiterating his request for relief for unpaid wages and unpaid overtime. Appellant did not provide any additional or new evidence for his complaint. On June 26, 2024, the Administrative Hearing Office granted the Appellee's Motion to Dismiss for a failure to show cause. On July 10, 2024, Appellant filed a timely Secretary appeal.

II. LEGAL STANDARD

"An appeal is commenced by filing a notice of appeal on the standard form provided by the Department and payment of the fee..." NMIAC 80-20.1-490(a). "The record before the Secretary consists of the complaint, pleadings filed, exhibits, and order of the hearing officer." NMIAC § 80-20.1-490(c).

"When the Secretary is exercising jurisdiction over appeals from final orders of the Administrative Hearing office, the Secretary shall have all the powers and responsibilities of a

1 hearing officer. No hearing or oral argument on an appeal is required.” NMIAC 80-20.1-490(d).
2 “In a review on appeal, the Secretary may restrict review to the existing record, supplement the
3 record with new evidence, hear oral argument, or hear the matter de novo pursuant to 1 CMC
4 §9109 and §9110. Upon completion of review, the Secretary shall affirm, reverse or modify the
5 findings, decision, or order of the hearing office.” NMIAC § 80-20.1-490(e).

6 **III. DISCUSSION**

7 **1. Appellant fails to show cause.**

8 Here, Appellant did not claim any factual errors, evidentiary errors, or incorrect applications
9 of law or material legal error. Appellant sought relief for alleged unpaid wages and overtime
10 hours. Based on the facts presented in the accompanying documents, the undersigned concurs
11 that the claims for unpaid wages and overtime were filed more than six months after the
12 underlying cause of action arose. The events leading to the claim occurred between July 31,
13 2022, and April 22, 2023, with the last event on April 22, 2023. The Appellant did not file a
14 complaint until May 29, 2024, which is over a year later. Additionally, the Appellant explained
15 in his submission on June 18, 2024 that he sought legal assistance and was advised to file a
16 complaint. This suggests that the Appellant was aware of his entitlement to wages before April
17 22, 2023, and knew that he needed to file a complaint. Ultimately, there is no indication that the
18 Appellant acted with reasonable diligence.

19 **2. Appellant fails to meet the regulatory deadline set forth in NMIAC § 80-20.1-610**

20 **Time Limit for filing Complaints.** The regulation states:

21 “No complaint may be filed more than six months after the date of the last-occurring event
22 that is subject of the complaint, except in cases where the actionable conduct was not
23 discoverable upon the last-occurring event. In such an instance, no complaint may be filed more
24 than six months after the date a complainant of reasonable diligence could have discovered the
25 actionable conduct.”

26 Given the above, the Appellant does not state a claim upon which relief can be granted and
27 is untimely. The undersigned finds the Administrative Hearing Officer’s decision was proper.

28 **IV. CONCLUSION**

Accordingly, pursuant to NMIAC § 80-20.1-490(e), the Administrative Hearing Officer’s
decision is **AFFIRMED.**

1 This Order constitutes a **FINAL AGENCY DECISION**. In the event a party aggrieved by
2 this Order would like to dispute or contest this decision, said party may seek judicial review
3 with the CNMI Superior Court under the local Administrative Procedures Act. *See* 1 CMC §
4 9112. All forms, filings fees, and filing deadlines for judicial review will be as established by
the applicable law and court rule.

5 So ordered this **8th** day of August, 2024.

6 

7 **LEILA F. STAFFLER**
Secretary of Labor