

§ 125-20.1-001 Part 001. Regulations for Engineers, Architects, Land Surveyors and Landscape Architects.

PART 001. GENERAL PROVISIONS

§ 125-20.1-001 Purpose

The purpose of adopting these regulations is to clarify and implement Public Laws 1-8, 4-53, 5-43, 11-99, 14-95, and 17-39, to the end that the provisions thereunder be best effectuated and the public interest most effectively served.

§ 125-20.1-005 Authority

The regulations in this subchapter are adopted herewith pursuant to authority vested in the Board under CMC § 3106.

§ 125-20.1-010 Force and Effect

These regulations and the Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities licensed under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding licenses, certificates of authorization and temporary licenses. No person except those exempted by sections 3213 of P. L. 14-95 shall practice engineering, architecture, land surveying or landscape architecture unless licensed hereunder.

§ 125-20.1-015 Rules of Order

The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

§ 125-20.1-020 Definitions

- (a) **"ABET"** - The letters "ABET" shall mean Accreditation Board for Engineering and Technology.
- (b) **"Advertise"** - includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure or advertising through the media. Advertising through the "media" means newspapers, magazines, and telephone directories including all listings in the yellow pages or commercial broadcasting through radio or television or any other means of dissemination.
- (c) **"Approved Institution of Higher Education"** - The term "approved institution of higher education" shall mean institutions offering curricula leading to a Ph.D. or master's degree in engineering or architecture accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.
- (d) **"Approved School or College"** - The term "approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.
- (e) **"A.R.E."** - The letters "A.R.E." shall mean Architect Registration Examination prepared by NCARB.
- (f) **"Architect"** - The term "architect" shall mean a person who has been duly licensed by the Board to engage in the practice of architecture within the Commonwealth, as hereinafter defined.
- (g) **"Base State"** - The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially licensed or the jurisdiction to which an applicant has transferred his base state status.
- (h) **"Board"** - The "board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by 4 CMC § 3101.
- (i) **"BPELSG"** - The letter "BPELSG" shall mean the Board of Professional Engineers, Land Surveyors and Geologists for the state of California.
- (j) **"BPLRF"** - The letters "BPLRF" shall mean the Board of Professional Licensing Revolving Fund".
- (k) **"Branch"** - The term "branch" shall mean the various branches of the engineering profession, i.e. civil, structural, mechanical, electrical, etc.
- (l) **"CACB"** - The letters "CACB" shall mean the Canadian Architectural Certification Board.

- (m) **"CEAB"** - The letters "CEAB" shall mean the Canadian Engineering Accreditation Board.
- (n) **"Certificate of Authorization"** - The term "certificate of authorization" means a written certificate issued by the Board to a partnership or corporation which identifies the firm as legally entitled to engage or offer to engage in the practice of engineering, architecture, land surveying or landscape architecture within the CNMI.
- (o) **"Chemical Engineering"** - That branch of engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved.
- (p) **"Civil Engineering"** - That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena forces of nature; preparation and /or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals, valuations and inspection of the construction of engineering structures.
- (q) **"CLARB"** - The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- (r) **"Commonwealth" ("CNMI")** - The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- (s) **"Construction Inspection"** - The term "construction inspection" means making periodic visits to the site by a licensed engineer, architect, or landscape architect, or qualified representatives, to inspect or observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents, including but not limited to plans, specifications, reports or other technical documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape architect be responsible for construction means, methods, techniques, sequences, or procedures or for safety precautions and programs in connection with the work.
- (t) **"Construction Management"** - The term "construction management" shall include, but not limited to, professional services during construction, such as permitting process and coordination, bid evaluation and contract award, processing of payment requests and change orders, claims and dispute resolution, review and approval of submittals and progress schedules, onsite quality assurance inspections and testing, survey checks, compliance to contract documents and contract.
- (u) **"Consulting Engineer"** - The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.
- (v) **"Direct Supervision"** - The term "direct supervision" shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.
- (w) **"Design"** - The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.
- (x) **"Directly In Charge of the Professional Work"** - The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.
- (y) **"Electrical Engineering"** - That branch of engineering which embraces studies, design and activities relating to the general transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.

- (z) **“Electronic Means”** – The term “electronic means” shall include telephone, video-conference, electronic telecommunications-mediated written, aural and/or video means, including mediated through the internet, a wireless service, and/or email; and shall further include the presentation, service, filing and storage of documents in their electronic form.
- (aa) **“Engineer”** - The term "engineer" shall mean a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined.
- (bb) **“Engineer Intern” (“Engineer-In-Training”)** - Engineer intern shall mean a person who has met the education and character requirements as set forth herein and have taken and passed the Fundamentals of Engineering Examination and has been duly licensed by the Board.
- (cc) **“Firm”** - The term "firm" shall mean the business entity, including but not limited, to partnership, limited liability company (except single-member limited liability company) that offers engineering, architectural, land surveying or landscape architecture services to the public or their licensed personnel who are either employees, officers or partners of the company.
- (dd) **“Gross Negligence”** - The term "gross negligence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions indifference to and/or wanton disregard of accepted standards of care and/or legal obligation so far as other persons may be affected.
- (ee) **“Human Occupancy or Habitation”** – The term “human occupancy or habitation” shall refer to structures where people live, work, recreate, congregate or assemble. This is to differentiate from structures and buildings whose primary purpose is for storage or to house equipment.
- (ff) **“Incompetence”** - The term "incompetence" is the performance of professional work by a licensee which demonstrates through errors and/or omissions lack of ability to produce work in conformity with accepted professional standards.
- (gg) **“Investigation”** - The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.
- (hh) **“Jurisdiction”** - The term "jurisdiction" shall mean the state, commonwealth, territory or possession of country authorized by law to license engineers, architects, land surveyors or landscape architects.
- (ii) **“LAAB”** – The letters “LAAB” shall mean the Landscape Architectural Accreditation Board which develops and promulgates the accreditation standards, rules and procedures for conducting the accreditation process which determines if a school curriculum or program meets accreditation requirements.
- (jj) **“Landscape Architect”** - The term "landscape architect" shall mean a person who has been duly licensed by the Board to engage in the practice of landscape architecture in the Commonwealth, as hereinafter defined.
- (kk) **“Land Surveyor”** - The term "land surveyor" shall mean a person who has been duly licensed by the Board to engage in the practice of land surveying in the Commonwealth, as hereinafter defined.
- (ll) **“Land Surveyor Intern”** (Land Surveyor in Training) - The term "land surveyor intern" shall mean a person who has met the educational requirement as set forth herein, and in either case has passed the examination on fundamentals of land surveying and has been duly licensed by the Board.
- (mm) **“LARE”** – The letters “LARE” shall mean the computerized Landscape Architect Registration Examination designed to determine whether applicants for landscape architectural licensure possess sufficient knowledge, skills and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public. It is prepared and scored by CLARB in accordance with all current standards for fairness and quality of licensure exams.
- (nn) **“License”** – The term “license” means a certificate issued to a person licensed, certified or otherwise approve to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.
- (oo) **“Licensee”** – The term “licensee” means a person licensed, certified or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

- (pp) **“Licensure”** – The term “licensure” means the process or condition of being licensed to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.
- (qq) **“Marine Engineering”** - That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.
- (rr) **“Mechanical Engineering”** - That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment and systems, including research, design, production, operation, organization, and economic aspects of all the above.
- (ss) **“NAAB”** - The letters "NAAB" shall mean the National Architectural Accreditation Board.
- (tt) **“Naval Architect”** - This discipline is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structures mechanics, elements of ship architecture and ship static and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- (uu) **“NCARB”** - The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- (vv) **“NCEES”** - The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- (ww) **“Negligence”** - The term "negligence" is the performance of professional work by a licensee which demonstrates through errors and /or omissions a lack of due care in accordance with accepted professional standards.
- (xx) **“Person”** – The term “person” means a person real or legal, including a human being, and an artificial person, including government entity, non-governmental organization, association, corporation, limited liability company, limited liability partnership, partnership, or sole proprietorship.
- (yy) **“Practice of Architecture”**
(1) The term "practice of architecture" means consisting of providing or offering to provide certain services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the service referred to include pre-design services, programming, planning, , providing designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined hereinafter.
(2) A person is considered to practice or offer to practice architecture, within the meaning and intent of the law, who practices the profession of architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents themselves to be an architect through the use of some other title, implies that they are licensed as an architect or holds themselves out as able to perform or does perform any architectural service or work or any other service designated by the practitioner which is recognized as architecture.
- (zz) **“Practice of Engineering”**
(A) The term "practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air and water, teaching of advanced engineering subjects, performing engineering surveys and studies, and the review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications; any of which embraces such services or work; either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems,

and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

(i) Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer.

(ii) Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, right-of-way, easements, and the dependent or independent surveys or re-surveys of the public land system.

(B) A person is considered to practice or offer to practice engineering, within the meaning and intent of the law, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents themselves to be an engineer or through the use of some other title, implies that they are licensed or holds-themselves out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(aaa) **"Practice of Landscape Architecture"**

The term "practice of landscape architecture" (A) means one who holds themselves out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is the preservation and enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities. A licensed landscape architect shall not practice or offer to practice architecture or any branch of engineering.

(B) A person is considered to practice or offer to practice landscape architecture, within the meaning and intent of the law, who practices the profession of landscape architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents themselves to be a landscape architect or through the use of some other title, implies that they are licensed or holds themselves out as able to perform or who does perform any landscape architecture service or work or any other service designated by the practitioner which is recognized as landscape architecture.

(bbb) **"Practice of Land Surveying"**

(1) The term "practice of land surveying" (A) shall mean providing or offering to provide professional services using such services as mathematics, geodesy, and photogrammetry, and involving both:

(i) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth;

(ii) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.

(2) Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

(i) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon.

(ii) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.

- (iii) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, or easement.
- (iv) Making any survey for the division, subdivision, or consolidation of any tract(s) of land.
- (v) Locating or laying out alignments, positions, or elevations for the construction of fixed works.
- (vi) Determining, by the use of principles of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point.
- (vii) Creating, preparing, or modifying electronic or computerized or other data, relative to the performance of the activities in the above described items (a) through (f).

(3) Any person is considered to practice or offer to practice land surveying with the meaning and intent of the law who engages in land surveying or who by verbal claim, sign, letterhead, card or in any other way represents themselves to be a land surveyor or who represents themselves as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.

(ccc) **"Probation"** - A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrates that they have maintained a satisfactory performance in their practice over a specific period of time.

(ddd) **"Reprimand"** - A formal criticism and/or admonishment directed to the licensee as a result of the violation noted.

(eee) **"Responsible Charge"** - The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a licensed engineer, architect, land surveyor or landscape architect.

(fff) **"Revocation"** - A termination of a license or certificate to practice. Such action should require that the licensee or firm surrender any and all license or certificate and wallet card issued by the Board.

(ggg) **"Rules of Professional Conduct"** - The term "Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture, land surveying and landscape architecture in the Commonwealth.

(hhh) **"Signature"** - The term "signature" shall mean the reproducible original signing of one's own name applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. A facsimile, electronically digitized signature, or rubber signature stamp will not be acceptable.

(iii) **"Specifications"** - The term "specifications" shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed, land areas and projects.

(jjj) **"State"** - The term "state" includes a United States of America state, territory, tribal land, commonwealth, the District of Columbia, and any other U.S. jurisdiction other than the U.S. Government itself.

(kkk) **"Structural Engineering"** - That branch of engineering which deals with investigation, design, selection, and construction supervision of the fore-resisting and load-supporting members, of structures, such as foundation walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than three stories high must be designed by a structural engineer.

(lll) **"Suspension"** - A suspension terminates a certificate and/or license privileges for a limited time. The certificate and/or license may be reinstated after the licensee or firm fulfilled conditions imposed by the Board.

(mmm) **"Technical Submissions"** - The term "technical submissions" shall mean designs, drawings, specifications, studies, and other technical documents prepared in the course of practicing architecture, engineering, land surveying

or landscape architecture. All technical submissions shall be identified by date and by the name and address of the licensee or the firm.

(nnn) **“Warning Letter”** - A letter issued to a licensee or firm based upon a threshold determination that unacceptable conduct has occurred. A warning letter can be used when it is determined that a suspension or revocation is not appropriate, but some level of criticism is needed.

§ 125-20.1-030 Exceptions to Licensure

Pursuant to §3213 and §3109 of P.L. 14-95, the following persons are exempted from licensure:

(a) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officers or employees of the United States government;

(b) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officer or employees of the Commonwealth government during the terms of office or employment of such persons; and

(b) Apprentices, trainees or helpers who practice under the general supervision of a licensee which licensee is ultimately responsible for the work product of such apprentice, trainee or helper.

PART 100. QUALIFICATIONS FOR LICENSURE

§ 125-20.1-101 Qualifications for Licensure

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person meets the following requirements:

- (a) Be at least 21 years of age;
- (b) Be a U.S. citizen, or a foreign national and lawfully entitled to remain and work in the Commonwealth;
- (c) Has met all the education, examination, and experience qualifications as required by law and the regulations;
- (d) Be of good moral character; and shall not have been convicted in any jurisdiction of a crime of moral turpitude or a crime related to the person’s profession; and
- (e) Fully and honestly provide the information to the Board required for the Board’s decision.

(a) Engineering

- (1) Engineer Intern (EIT)
 - (i) Applicant graduated from a university/college accredited by ABET or CEAB with four (4) years of engineering curriculum and has also successfully passed the Fundamentals of Engineering Examination; or
 - (ii) Applicant graduated from a university/college not accredited by ABET or CEAB with four (4) years of engineering curriculum, has four (4) years of progressive engineering experience satisfactory to the Board and has also successfully passed the Fundamentals of Engineering Examination; or
 - (iii) Applicant has eight (8) years of progressive engineering experience and has also successfully passed the Fundamentals of Engineering Examination.
- (2) Professional Engineer (PE)
 - (i) Applicant holds a master's degree in engineering from an institution of higher education accredited by ABET or CEAB, and has completed two (2) years of progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(ii) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college accredited by ABET or CEAB and has completed four (4) years of progressive engineering experience satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(iii) Applicant is a graduate of an engineering curriculum of four (4) years or more in a college not accredited by ABET or CEAB and has completed eight (8) years of progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(iv) Applicant has twelve (12) years of progressive engineering experience satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for.

(b) Architecture

(1) Architect:

(i) Applicant holds a master's degree in architecture from an institution of higher education accredited by NAB or CACB, and has at least one (1) year of progressive experience in architectural work satisfactory to the Board, which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or

(ii) Applicant is a graduate of an architectural curriculum of five (5) years or more in a college accredited by NAAB or CACB, and has completed two (2) years of progressive experience in architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or

(iii) Applicant is a graduate of an architectural curriculum of four (4) years or more in a college not accredited by NAAB or CACB, and has completed eight (8) years of progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE); or

(iv) Applicant has had twelve (12) years of progressive experience in architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Exam (ARE).

(c) Land Surveying

(1) Surveyor Intern (SI)

(i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying and has also successfully pass the Fundamentals of Land Surveying Examination; or

(ii) Applicant is a graduate of a community college approved by the Board and has completed a civil engineering or surveying curriculum of two years or more, has four (4) years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or

(iii) Applicant has eight (8) years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or*

(2) Professional Land Surveyor (PLS):

(i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four (4) years or more, with emphasis in land surveying, and has completed four (4) years of progressive experience in land surveying work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or

(ii) Applicant is a graduate of a college not accredited by ABET or CEAB, has completed a civil engineering or surveying curriculum of two years or more, has completed eight (8) years of progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or

(iii) Applicant has had twelve (12) years of progressive experience in land surveying work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination.

(d) Landscape Architecture

(1) Landscape Architect:

(i) Applicant graduated from a university/college accredited by LAAB with four (4) years of landscape architectural curriculum, has four (4) years of progressive experience in landscape architectural work satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the LARE; or

(ii) Applicant graduated from a university/college not accredited by LAAB with four (4) years of landscape architectural curriculum, and has completed eight (8) years of progressive experience in landscape architectural work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the LARE; or

(iii) Applicant has had twelve (12) years of progressive experience in landscape architecture work satisfactory to the Board, at least two (2) years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the LARE.

§ 125-20.1-110 Engineering Technology Degrees

An approved four-year Bachelor of Technology (B.T.) engineering curriculum is not considered equal to an approved Bachelor of Science engineering curriculum.

§ 125-20.1-115 Applicants with Degrees from Foreign Schools

Applicants who are graduates of a foreign college or university may have their college/university certified documents evaluated by an educational evaluation service approved by the Board, equating the degree toward a comparable U.S. degree. The Board has the discretion to approve the transcript evaluation or not. Any cost of evaluation shall be the responsibility of the applicant.

§ 125-20.1-120 Experience

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, architecture, land surveying or landscape architecture, the following will be considered:

A. Field and office training under the supervision of licensed engineers, architects, land surveyors or landscape architects.

- B. Experience must be progressive on engineering, architecture, land surveying and landscape architecture projects to indicate that it is of increasing quality and requiring greater responsibility.
- C. Only lawful experience of an engineering, architectural, land surveying or landscape architecture, as the case may be, which follows graduation is creditable.
- D. Experience must not be obtained in violation of the statute, regulations or rules of professional conduct.
- E. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian section doing similar work.
- F. Teaching experience to be creditable must be at an advanced level in a college or university offering an engineering, architectural, land surveying or landscape architecture curriculum, as the case may be, of four years or more that is approved by the Board.
- G. Experience gained in engineering or architectural research and design projects by members of an engineering or architectural faculty where the curriculum is approved by the Board is creditable.
- H. Successful completion of graduate study leading to a master's degree in engineering following a baccalaureate degree in engineering is creditable for one (1) year experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The (2) two years credit includes the one (1) year credited for the master's degree. If the Ph.D. is obtained without a master's degree or with a master's degree in a non-engineering curriculum, the total creditable experience may be two (2) years.
- I. Land Surveyors are required that a substantial portion of their experience be spent in charge of work related to property conveyance and/or boundary line determination and, that they demonstrate adequate experience in the technical field aspects of the profession.
- J. Experience as a contractor in the execution of work designed by an engineer, architect or landscape architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
- K. Experience may not be anticipated. The experience must have been gained by the time of the application.

§ 125-20.1-125 References

- A. References shall be individuals who are personally acquainted with the applicant and are able to issue judgements on the applicant's character and reputation, ability and experience.
- B. Applicants for licensure shall submit the names and current addresses of five (5) references, three of the references must be licensed practitioners in the discipline or branch in which licensure is requested. References must be able to provide information based upon firsthand knowledge of the applicant's character, experience and professional qualifications.
- C. At least three (3) character references must be given for engineer intern or surveyor intern licensure.
- D. Relatives of the applicant may not be used as reference.
- E. No current member of the Board may be used as a reference.
- F. Each applicant should inform the persons being used as references.
- G. For a state board's verification, the Board shall accept only an official verification of licensure forwarded by the state board when sealed with the Board's seal and signed by a board director/administrator, which issued the applicant's license attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in Section 5.7 of this regulations.
- H. The applicant shall be responsible for requesting the transmittal of council records from NCARB or NCEES to the Board and paying all fees associated with the transmittal.
- I. It is the responsibility of the applicant to assure the return of a completed reference form to the Board by the persons giving the reference within a reasonable time. This includes educational transcripts and verification of

a license in other jurisdictions. All reference materials must be complete before any Board action may be taken on an application.

- J. The Board shall accept completed reference verification forms only when:
 - (a) received from the U.S. Postal Service or other delivery services from the reference source directly;
 - (b) hand-delivered to the Board office by the reference himself/herself and the form is signed and sealed by the reference himself/herself.
- K. Verification submitted by or passing through the hands of the applicant shall not be accepted. Facsimile transmittal of verification or references shall not be accepted unless followed by the original copy delivered to the Board as set forth above.
- L. In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.
- M. Slow response or failure of a reference or a college university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.
- N. Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information will not be divulged except in special cases when required by law.

§ 125-20.1-130 Examinations

- A. General Provisions
 - (1) The application and experience record submitted by an applicant for licensure by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time devoted to professional work but also to the degree of responsibility and nature of the work.
 - (2) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board received from NCEES, NCARB or CBRPELS for distribution to the examinees at least thirty (30) days prior to the examination date.
 - (3) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten (10) days after receipt of notification from the Board that he or she has been qualified to sit for the exam.
 - (4) The Board shall adopt the recommendations of the National Council of Examiners for Engineering and Surveying (NCEES) and BPELSG on passing scores for the grading of engineering, land surveying, and the special seismic examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.
 - (5) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.
- B. Engineers and Land Surveyors
 - (1) The Board adopts the NCEES's examinations for engineers and land surveyors developed by NCEES as the national examinations of applicants for licensure as an engineer or land surveyor. The NCEES Fundamentals of Engineering (FE) and Fundamental of Surveying (FS) exams are administered via computer and the Principles and Practice of Engineering (PE), Principles and Practice of Surveying (PS) and Structural Engineering (SE) exams are administered as pencil-and-paper exams. All interested applicants who wish to take the NCEES's engineering or land surveying examination should log into engineering or land surveying examination should log into www.ncees.org and should review the NCEES Examinee Guide for information on the examinations.
 - (2) Classification of Engineering Examinations – The following NCEES and BPL examinations are offered for licensure as an engineer or land surveyor:

- (a) The NCEES Fundamentals of Engineering (FE) examination for licensure as an Engineer Intern or Fundamentals of Surveying (FS) examination for licensure as a Land Surveyor Intern.
 - (b) The NCEES Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline.
 - (c) The Civil Seismic Principles Examination, offered by the BPELSG, for civil engineer applicants. All civil engineering applicants are required to take and pass this Examination before they could qualify for licensure.
- (3) Eligibility of Applicant for an Engineering or Land Surveying Examination
- (a) An applicant must register with NCEES to take the FE or FS examination.
 - (b) No applicant may sit for the PE, SE or PS until the Board has established that the applicant is eligible for the examination.
 - (c) Engineering doctorate degree applicants with an undergraduate degree from an EAC/ABET-accredited program and a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the licensure qualifications may sit for the PE examination without having taken and passed the FE examination.
 - (d) The Civil Seismic Principles Examination is required to be taken and passed by all civil engineering applicants. No applicant may sit for this examination until the Board has established that the applicant is eligible for the examination.
- (4) Examination Dates and Location
- (a) Written examinations shall be offered on dates set by NCEES. The location of each examination is determined by the Board and is based upon the availability of acceptable examination space.
 - (b) An applicant to sit for the PE or the PS examination shall file an application with the Board by January 15 for the April exam schedule and July 15 for the October exam schedule. The application must be submitted with the application fee.
 - (c) An applicant to sit for the California Civil Seismic Principles Examination shall file an application with the Board by January 15 for the Spring administration of the exam and July 15 for the Fall administration of the exam.

C. Architect Examination

The Board adopts the NCARB's Architect Registration Examination (ARE) as the national examination of applicants for licensure as an architect. No applicant may sit for the ARE until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

D. Landscape Architects Examinations

The Board adopts the LARE as the national examination of applicants for licensure as a landscape architect. No applicant may sit for the LARE until the Board has determined the applicant has met all the requirements for licensure except passage of the examination.

E. Language

All examinations shall be in English. The examinations shall not be translated into another language either orally or in writing.

F. Study Information

G. The Board shall not make available or distribute any study information.

H. To Re-take the PE, SE or LS Examination

I. Applicants may retake examinations pursuant to NCEES's policy.

PART 200. APPLICATIONS

§ 125-20.1-201 Filing of Applications

(A) All applications filed with the Board shall be complete, filed on the forms provided by the Board and prepared in accordance with and contain all the information called for on the form.

(B) Information on the application form must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.

(C) Information on the application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was employed in another type of work for a period of time, that must be indicated in the applicant's experience record.

(D) Council record submitted to the Board by NCEES or NCARB shall be accepted in lieu to the information required on the application furnished by the Board. Application must still be and a photograph attached, as required under Section 19 of the application.

(E) All applications shall be accompanied by one passport-size photograph of the applicant. The photograph may be either black and white or color, not profiled or retouched, full-face taken within 30 days of the date of the application.

(F) The withholding of information, misrepresentation of fact, or attesting to untrue statements shall be ground for the denial or revocation of an application or license.

(G) It is the responsibility of the applicant for all documents, references, certificates, transcripts and/or diplomas as required, to be submitted on time to the Board.

§ 125-20.1-205 Kinds of Applications

(A) Applications for licensure as a professional engineer, architect, land surveyor or landscape architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the Laws of the Commonwealth, to be licensed to practice their profession in the Commonwealth.

§ 125-20.1-210 Licensure by Endorsement

(A) The Board may grant a license to a person to practice as an engineer, architect, land surveyor, or landscape architect without examination if:

(1) The person holds a valid, active license to practice as an engineer, architect, land surveyor, or landscape architect in another jurisdiction; and

(2) The person applying to practice engineering practices the same type of engineering field they are applying for in the CNMI jurisdiction; and

(3) If the person is applying to practice civil engineering in the CNMI, the applicant has also taken and passed the California Civil Seismic Principles Examination; and

(4) The requirements in the jurisdiction of licensure are at least as stringent as those under the law and these regulations.

(B) The Board may deny a license by endorsement to a person to practice as an engineer, architect, land surveyor, or landscape architect if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

§ 125-20.1-215 Foreign Education and Experience

(A) All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

(B) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES or NCARB as appropriate.

(C) All applicants must be able to speak, read and write in the English language as a requirement for licensing

§ 125-20.1-220 Interview

An applicant for examination or licensure shall appear before the Board for a personal interview, if necessary.

§ 125-20.1-225 Reconsideration of Disapproved Application

An applicant whose application for a license has been disapproved by the Board may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

(1) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within thirty (30) days of the date of the notice of disapproval.

(2) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:

(a) mistake of fact or law;

(b) new evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;

(c) any other evidence or reason justifying a petition for reconsideration.

(d) Only one petition for reconsideration shall be accepted by the Board.

(e) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

PART 300. TEMPORARY LICENSES

§ 125-20.1-301 Temporary Licenses; Requirements

(A) The Board may grant a temporary license to a person who is not a resident of the Commonwealth or who has no established place of business and who desires to practice on a limited basis architecture, engineering, land surveying or landscape architecture in the CNMI, provided such person is legally qualified and licensed in another jurisdiction and that his or her qualifications for obtaining the license meet those required for licensure by this Board.

(B) A temporary license shall be granted for each specific job which length of time not to exceed one (1) year and shall provide that there is no right to practice architecture, engineering, land surveying or landscape architecture with respect to any other works not set forth in the temporary license.

(C) A temporary license may be extended but only for the purpose of completing the specific job for which the original temporary license was issued.

(D) The applicant for a temporary license to practice civil engineering must have passed the California Special Seismic exam.

§ 125-20.1-305 Renewals

(A) Renewal of all certificates or licenses shall be every two years following their issuance or renewal.

(B) Failure of a licensure to renew on or before the expiration date shall render the license or certificate null and void.

(C) A renewal notice shall be mailed or sent by email by the Board to the last known address of each individual holding a license and to each firm holding a Certificate of Authorization indicating the date of expiration of the license or certificate and the renewal fee amount due.

(D) Each licensee, firm or holder of a temporary license is responsible to immediately notify the Board of any changes to his/her or its mailing address.

(E) Temporary licenses shall not be renewable.

(F) Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal. Responsibility for the timely payment of the renewal fee rests solely with the licensee.

§ 125-20.1-310 Reinstatement

Each licensee or firm whose license or certificate has expired and lapsed or on an inactive status may be reinstated within three (3) years of the expiration day upon (a) payment of the reinstatement fee for the period of the lapsed license as determined by the Board; (b) payment of all penalties owing since the date of expiration, and in such amount as determined by the Board, for each calendar month or fraction thereof until the reinstatement fee and all penalties are paid. As a precondition to reinstatement, the Board may require a written explanation or an interview showing that the applicant is competent to practice his or her profession.

§ 120-20.1-315 Inactive License

A license may be placed on an inactive status upon notification to the board before his/her license expires by the licensee in writing of the effective date of inactivation and payment of an inactive fee. Failure to reactivate a license on inactive status after three years for engineers, architects, land surveyors, and landscape architects, shall render the license null and void and licensee must file a new application, meet present day requirements for licensure or certification, and receive board approval. An inactive licensee may apply for reactivation upon payment of all fees owing from time of inactivity and proof of completion of all continuing education hours (if required) the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant and meet present day requirements for licensure or certification, and receive board approval.

PART 400. FEES

§ 125-20.1-401 Method of Payment

Payment of fees shall be made by personal check, money order, cashier's check, traveler's check or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made at the CNMI Treasurer's office.

§ 125-20.1-405 Application Fees

The receipt issued by the Treasurer upon payment of the application fee shall be attached to the application when submitted to the Board office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

§ 125-20.1-410 Examination Fees

The receipt issued by the Treasurer upon payment of the examination application fee shall be attached to the application when submitted to the Board office. Examination application fees are non-refundable. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies.

§ 125-20.1-412 Dishonored Checks

The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

§ 125-20.1-415 Renewal Fees

(A) License/certificate renewal fees must be paid on or before the license/certificate expiration date to avoid assessment of a delinquent fee.

(B) Licensees or firms whose fees are received after the renewal date shall be assessed a renewal fee and a delinquent fee for every month the fees are not received.

§ 125-20.1-420 Schedule of Fees

Application Fees:

Initial Application	\$100.00
Re-consideration Application	100.00

Certificate of Authorization Application	100.00
Application for Examination	100.00

Examination Fees:

Follow all NCEES’s fee schedule for all exams
 Follow BPELSG fee schedule for Seismic Exam

Licensure Fees:

E.I.T./L.S.I.T. License	100.00
Initial License	200.00
Inactive License	100.00
Certificate of Authorization	200.00
Temporary License	250.00

Renewal Fees:

Bi-Annual (Individual)	200.00
Delinquent (each month)	25.00
Certificate of Authority	200.00
Delinquent (each month)	25.00
Replacement/Duplication of License	75.00
Replacement/Duplication of wallet-size card	25.00

These examination fees will automatically change without notice once NCEES, NCARB, CBRPELS or their examination vendor raise fees.

PART 500. LICENSURE CLASSIFICATION

§ 125-20.1-501 Engineering

(A) An applicant approved for licensure as an engineer shall be licensed as an:

- (1) Engineer Intern; or
- (2) Professional Engineer

(B) Professional Engineers shall be licensed in one of the recognized NCEES branches of engineering.

§ 125-20.1-505 Architecture

An applicant approved for licensure as an architect shall be licensed as an Architect.

§ 125-20.1-510 Land Surveying

(A) An applicant approved for licensure as a land surveyor shall be licensed as a:

- (1) Land Surveyor Intern; or
- (2) Professional Land Surveyor

§ 125-20.1-515 Landscape Architecture

An applicant approved for licensure as a landscape architect shall be licensed as a Landscape Architect.

PART 600 . CERTIFICATES OR LICENSES

§ 125-20.1-601 Issuance of Certificates or Licenses

Upon completion of all requirements for licensure or Certificate of Authorization, the Board shall issue a certificate or license to applicant or firm. The license shall identify the applicant as an engineer intern, a professional engineer, architect, land surveyor intern, a professional land surveyor or a landscape architect, and the certificate shall identify the name of the firm.

§ 125-20.1-605 License or Certificate Number

Each licensee or holder of a Certificate of Authorization shall be assigned a license or certificate number at the time licensure or certificate is approved by the Board. Numbers are issued consecutively and separately for professional engineers, architects, land surveyors and landscape architects in the order in which applications are approved.

§ 125-20.1-610 Certificate/License

The certificate or license shall be in the form required by law and as otherwise approved by the Board.

§ 125-20.1-615 Engineering Branch

The license for a professional engineer or certificate for an engineering firm shall designate the branch in which such person or firm is licensed to practice.

§ 125-20.1-620 Display

Every person licensed as an individual and every firm, association and joint venture maintaining an office or other place of business for the practice of his/her or its profession, shall display his/her or its original license or certificate together with evidence of current validation in a conspicuous manner, in his/her or its principal office or place of business.

§ 125-20.1-625 Replacement of License or Certificate

Upon submittal of a request accompanied by affidavit attesting to loss, destruction or mutilation of the original license or certificate, a license or certificate shall be furnished upon payment of the prescribed fee.

§ 125-20.1-630 Prohibited Act

It is expressly prohibited, and is a violation of these regulations for any licensee to use his/her license to apply a seal or stamp approval to any plans or work over which he/she does not have proper control or supervision. Furthermore, no licensee may use his/her authorization for any plans or work performed by any other person or entity unless the licensee is a full time employee of such person or entity, or a partner or officer of such entity and such acts of the licensee must be in full compliance with the law, rules and regulations.

PART 700. CERTIFICATE OF AUTHORIZATION

§ 125-20.1-701 General Provisions

(A) Any "firm" joint venture or any other association of two (2) or more firms, whether organized under the laws of the CNMI or any other jurisdiction, hereafter offering to engage or engaging in the practice of engineering, architecture, land surveying, or landscape architecture in the Commonwealth must have a valid Certificate of Authorization (COA) issued by the Board.

(B) All engineers, architects, land surveyors, or landscape architects may practice engineering, architecture, land surveying, or landscape architecture on behalf of the firm provided that:

- (1) Each person also possess a valid license issued by the Board in the appropriate discipline and/or engineering branch; and
- (2) That such person is designated as being directly in charge and responsible for the work performed by the firm; and
- (3) That such person is a partner, officer, or a full-time employee of the firm; and
- (4) That such person has been delegated the legal authority to bind the firm in all matters relating to the work performed.

(C) No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners or managers by reason of its compliance with the provisions of this Section. No individual practicing engineering, architecture, land surveying, or landscape architecture under the provisions of this regulations shall be relieved of responsibility by reason of their employment or other relationship with a firm holding a valid Certificate of Authorization.

(D) A professional engineer, architect, land surveyor, or landscape architect who renders occasional, part-time, or consulting engineering, architectural, land surveying, or landscape architectural services to, or for a firm, may not for the purpose of this Section, be designated as being responsible for the professional activities of the firm.

(E) All firms must have a valid Certificate of Authorization before advertising to offer professional engineering, architectural, land surveying, or landscape architectural services in the CNMI (see definition of "advertise" in Section 2.2 of this regulations).

§ 125-20.1-705 Application for a Certificate of Authorization

(A) Applications for a Certificate of Authorization by firms to engage or offer to engage in the practice of engineering, architecture, land surveying, or landscape architecture shall be on the form prescribed by the Board and shall be prepared, completed and signed under oath or penalty of perjury before a notary public by an authorized partner or officer of the firm and shall contain the following information and comply with the following requirements:

(1) The name, license number, discipline and/or branch and signature of the engineer, architect, land surveyor, or landscape architect licensed in the CNMI who is designated as being directly in charge and responsible for the work in the appropriate discipline and/or branch.

(2) That should there be any change in the status of any person on file, whether as to a valid license, direct charge and responsible of work, full-time employment, partnership or officer of the firm, or legal authority to bind the firm, the firm shall notify the Board in writing within fifteen (15) days of such change, and, if necessary, also within the same fifteen days period, file the name of a replacement.

(B) The application shall include a copy of the following documents:

(1) A Certificate of Registration for a firm not incorporated in the CNMI (also known as a foreign corporation); or

(2) A Certificate of Incorporation for a firm formed in the CNMI; or

(3) A file stamped Partnership Registration statement; and

(4) A business license for the appropriate professional business activity issued by the Business License Office of the Division of Revenue and Taxation, CNMI Department of Finance.

PART 800. SEALS

§ 125-20.1-801 Board Seal

The official seal of the Board shall be a metal impression seal consisting of four symbols imposed inside the smaller circle representing the islands: a large latte stone with a star place on the capstone; a Carolinian outrigger canoe, two fairy terns flying in pairs; and a Carolinian mwar. Imposed on the bottom portion of the small circle is the date the Board was established. In the outer annular space are the words "Board of Professional Licensing" and "Commonwealth of the Northern Mariana Islands".

§ 125-20.1-805 Seal of Licensure

(A) The seal shall be a rubber stamp, an electronically digitized seal or a metal impression seal. The licensee is require to use the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1/5/8" in diameter. The name of the licensee and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Professional Engineer", "Architect", "Professional Land Surveyor", or "Landscape Architect" together with the license number, shall appear in the center space.

(B) In the case of an engineer, the license shall also indicate the branch of engineering below the word "Professional". There must be a separate stamp for each engineering branch they are licensed to practice.

(C) Whenever the seal is applied, the licensee's original signature and date of the signature shall be written adjacent to or across the seal. A facsimile signature or electronically digitized signature will not be acceptable.

(D) The seal shall be signed and dated by the licensee in such a manner that the seal, signature and date will be legible when reproduced.

(E) Authorized use of the prescribed seal is an individual act, therefore, the licensee shall personally inscribe the seal. The licensee is responsible for its security at all times. The licensee shall permit no other person or entity to use the prescribed seal.

§ 125-20.1-810 Seal on Documents

(A) The seal and signature of the licensee shall be placed on all final engineering, architectural, land surveying or landscape architectural specifications, land surveys and plats whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under his or her direct supervision.

(B) Working drawings, unfinished documents, in-progress drawings or documents may or may not have a seal or signature. A working drawing or document must, however, contain a statement to the effect "Preliminary, Not for Construction, Recording Purposes, or Implementation".

(C) The seal or stamp shall be prima facie evidence that the work was prepared by or under the direct supervision or control of the licensee named on the seal and the licensee accepts full responsibility and liability for the professional work represented.

(D) Licensees shall approve and seal only those design documents and surveys which are safe for public health, property and welfare in conformity with accepted engineering, architectural and land surveying standards.

(E) It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reinstated.

(F) Pursuant to Section 3219 (e) of 4 CMC, Div. 3, no official of the Commonwealth who is or may hereafter be charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect holding a valid license or with the seal of a licensed engineer holding a valid license on which has been indicated that he or she has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted; and no map or survey prepared after the effective date of this chapter shall be filed with any official of the Commonwealth unless stamped with the seal of a land surveyor holding a valid license.

(G) The licensee's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.

(H) When the document contains more than one sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each drawing shall be sealed and signed by the licensee responsible for each sheet. When a firm performs the work, each drawing shall be sealed and signed by the licensee who actually did the work. The principal in responsible charge shall sign the seal on the first or title page.

(I) When a licensee in another jurisdiction has a temporary permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the CNMI temporary permit number on all work they controlled and are responsible for.

(J) When a CNMI licensee certifies the work of an out-of-state licensor, the CNMI licensee shall have complete dominion control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

§ 125-20.1-815 Design Certification

(A) All design work prepared by or under the supervision of a licensed Professional engineer, architect, land surveyor or landscape architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the licensee thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Signature

(B) A licensed engineer, architect, land surveyor or landscape architect who signs plans, specifications, reports or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports or documents, where the subsequent changes or uses, including changes or uses made by state or local government agencies, are not authorized or approved by the licensed engineer, architect, land surveyor or landscape architect who originally signed the plans, specifications, reports or documents, provided that the engineering, architectural, land surveying or landscape architectural service rendered by the engineer, architect, land surveyor or landscape architect signed the plans, specifications, reports or documents was not also a proximate cause of the damage.

§ 125-20.1-820 Construction Inspection

(A) In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamped of the duly licensed professional engineer, architect, land surveyor, or landscape architect charged with inspection of the construction pursuant to these regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCTION INSPECTION OF PROJECT WILL BE UNDER MY SUPERVISION

Signature

(B) When an engineer, architect, land surveyor, or landscape architect has responsibility for the design and construction inspection, the certification shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONSTRUCTION INSPECTION OF
THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

(C) Any licensed engineer, architect, land surveyor, or landscape architect sealing or stamping plans, specifications, reports or documents shall not be imposed a legal duty or responsibility to be in charge of the construction inspection work on the construction which are the subject of the plans, specifications, reports or documents. However, nothing in this section shall preclude an engineer, architect or landscape architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction supervision services.

(D) In the event the licensed engineer, architect, land surveyor, or landscape architect whose seal or stamp and signature appears in connection with the foregoing statement concerning construction inspection, shall be removed, replaced or otherwise unable to discharge his or her duties; such licensed engineer, architect or landscape architect shall so notify the Board with fifteen (15) days, and such notification shall include the name, if known, of the licensed engineer, architect or landscape architect charged with continuing the construction inspection.

§ 125-20.1-825 Construction Management Services

A licensed engineer, architect, land surveyor, or landscape architect may also practice, either in public or private capacity, construction management services.

§ 125-20.1-830 Engineer's Seal

(A) The seal and signature of a licensed professional engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form which involves the practice of engineering as defined herein.

(B) The seal and signature of an engineer, licensed in the appropriate branch, is required for each portion of documents involving the practice of engineering that is within the licensee's area(s) of engineering competence.

(C) Documents involving the structural portion of a site adaption of a pre-engineered structure or building.

(D) Designs and calculations for Individual Wastewater Disposal Systems(IWDS) for any building except for single-family residential home, may must be sealed/signed by a CNMI licensed civil, mechanical or environmental engineer.

(E) Storm water design and calculations for any building must be sealed/signed by a CNMI licensed engineer.

§ 125-20.1-835 Architect's Seal

The seal and signature of an architect shall be affixed to each drawing, specification, report, calculation, or other documents in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.

§ 125-20.1-840 Land Surveyor's Seal

(A) The seal and signature of a land surveyor shall be placed on each drawing, plan, property metes and bound descriptions, computation sheets, reports and other documents in its final form which involve the practice of land surveying as defined herein.

(B) No seal shall be placed on drawings, plans, property metes and bound descriptions, computation sheets, reports and other documents in its final form which involve the practice of land surveying if performed by officers or employees of the CNMI government.

(C) All documents prepared and certified by a land surveyor shall be stamped with a statement under the seal stating: "I (name of land surveyor), hereby certify that this map was prepared by me or under my direct supervision, and that it is based upon a field survey made in (insert date), in conformance with all applicable laws and regulations". The signature of the land surveyor and date shall be affixed directly under the statement.

PART 900. PROFESSIONAL CONDUCT

§ 125-20.1-901 Rules of Professional Conduct; Regulations

The Board has prepared and adopted Rules of Professional Conduct for engineers, architects, land surveyors and landscape architects practicing in the Commonwealth. [See NMIAC, title 125, chapter 20.2]

§ 125-20.1-905 Knowledge of the Rules

All persons licensed to practice engineering, architecture, land surveying and landscape architecture in the CNMI are charged with having knowledge of the existence of the Rules of Professional Conduct [NMIAC, title 125, chapter 20.2] and these regulations as well as amendments from time to time.

§ 125-20.1-910 Convictions

Any individual or firm who has been fined, received a reprimand; had a license or certificate revoked, suspended, denied; convicted of a crime related to the engineering, architectural, land surveying or landscape architect profession by another jurisdiction; or who for reasons or causes which this Board finds would constitute a violation of the law or any provision of these rules and regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the CNMI, shall be subject to a fine, reprimand, revocation or suspension by this Board of the license or certificate to practice in the CNMI. It is the duty of each licensee to report a conviction to the Board within ten (10) days following entry of such conviction, notwithstanding any appeal.

§ 125-20.1-915 Enforcement

The attorney general of the CNMI has the authority to enforce the provisions of CMC, Div. 3, and to assist the Board in ensuring compliance with these regulations. The attorney general serves as legal advisor to the Board and renders such legal assistance as may be necessary in carrying out these provisions.

PART 1000. DISCIPLINARY ACTION; REPRIMAND, SUSPENSION OR REVOCATION; REFUSAL TO ISSUE, RESTORE, OR RENEW LICENSE OR CERTIFICATE

§ 125-20.1-1001 Disciplinary Action

(A) The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew; place on probation or condition in any manner the certificate, license, or certificate of authorization to any engineer, architect, land surveyor, landscape architect, or firm who is found guilty, in any jurisdiction, of one or more of the following violations:

- (1) Any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or
- (2) Any negligence, incompetence or misconduct in the practice of engineering, architecture, land surveying or landscape architecture; or
- (3) Conviction of or pleading guilty to a crime of moral turpitude or a crime related to their profession either in the CNMI or in another state or jurisdiction. A certified copy of the judgement of the court of such conviction or plea shall be presumptive evidence of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or
- (4) Signing, affixing or permitting the licensee's seal or signature, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or his or her direct personal supervision; or
- (5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or
- (6) Practicing or offering to practice, offers to practice, or holding him or herself out as authorized and qualified to practice engineering, architecture, land surveying or landscape architecture, without a valid license or certificate issued by the Board; or
- (7) Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", or "landscape architecture", any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or

- (8) Using or attempts to use as his or her own the seal or the license or certificate of another; or
- (9) Falsely impersonating any duly licensed engineer, architect, land surveyor or landscape architect; or
- (10) Using or attempts to use an expired, suspended, or revoked or inactive license or certificate; or
- (11) Aiding or assisting another person in violating any provision of this Chapter, or the rules and regulations pertaining thereto; or
- (12) Providing false testimony or information to the Board; or
- (13) Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of this Chapter; or
- (14) Failure to comply with any provisions of this Chapter, any regulations pertaining thereto, and the Rules of Professional Conduct for engineers, architects, land surveyors, and landscape architects; or
- (15) Any individual or firm which advertises and offers to engage or engaging in the practice of engineering, architecture, land surveying or landscape architecture services without first complying with the requirements of the Act; or
- (16) Failing to report to the Board an adverse action taken against the person by another jurisdiction's profession regulatory agency or court, professional society or association, by a governmental agency, including a law enforcement agency or by a court for acts or conduct similar to acts or conduct that would support disciplinary action under this Chapter.

(B) The Board may also take disciplinary action against a licensee who is found guilty of the following:

- (1) Any act or omission which fails to meet the generally accepted standards of engineering, architecture, land surveying or landscape architecture practice; or
- (2) Violation of, or aiding or abetting in the violation of the provisions of the law, any rules or regulations adopted by the Board, or any order of the Board issued in conformance with the provisions hereof: or**
- (3) Use of false, deceptive, or misleading advertising; or
- (4) Performing services beyond one's competency, training, or education; or
- (5) Failure to report to the Board any licensee or firm known to have violated the law, rules and regulations, or any order of the Board; or
- (6) Failure to report to the Board any malpractice claim against such licensee or any firm, that is settled or in which judgment is rendered, within sixty (60) days of the effective date of such settlement or judgment, if such claim concerned professional services performed or supervised by such licensee.

(C) In addition to any other penalty provided in this section, the Board shall have the power to impose administrative penalty and/or reprimand, revoke, or suspend, refuse to issue, restore or renew; place on probation or condition the Certificate of Authorization of any firm where one or more of its agents, officers, directors, partners, managers, or employees have been found guilty of any conduct which would constitute a violation under the provisions of this section.

(D) Upon conviction in a court of law, any person or firm who violates any of the provisions of the law or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

§ 125-20.1-1005 Disciplinary Proceedings

(A) Any person, including a board member, may prefer charges in writing with the Board against any person subject to the Board's jurisdiction, including but not limited to non-licensees or a firm holding a certificate of authorization. The Board may seek relief, but need not specify the relief sought. The complaint shall be as specific as possible to the time, place, and nature of the violation.

(B) The Board or its designee shall promptly and fully investigate all non-trivial allegations filed with the Board for the purposes of determining whether to proceed with or dismiss the complaint. The Board may dismiss without

a hearing a complaint as unfounded, or trivial, or failing to state a ground for which relief may be granted, with a written order explaining its decision. Notwithstanding any other provision of law, the dismissal of a complaint shall be subject only to a retrospective notice and opportunity to be heard. The Board may dismiss an anonymous complaint without investigation.

(C) Complaints

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a certificate of authorization may be initiated by any person who may prefer charges of any of the violations as prescribed under Section 13.1 (a) and (b).

(1) All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.

(2) All charges shall be made on forms provided by the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint.

(D) Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to the Executive Director. The member of the Board in the investigative committee cannot vote at the disciplinary hearing. The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and complaint. Action against the licensee or firm may be brought before the Board in the name of the claimant versus the respondent.

(E) Summons and Complaint

(1) In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.

(2) The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statute, rules, or regulations involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint shall indicate that at any hearing the accused individual licensee or firm shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses for his/her or its own defense.

(3) The summons and complaint shall be personally served or mailed at least thirty (30) days before the date fixed for the hearing to the licensee's or firm's last known address.

(4) If the accused licensee or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(F) Until an investigation is completed and administrative charges are filed against the licensee or firm, or the matter is referred to the attorney general for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P. L. 8-41, the Open Government Act of 1992.

(G) Conduct of Hearing

The members of the Board or the Board's authorized representative shall conduct all hearings pursuant to 1 CMC, Section 9109, and Administrative Procedures - Conduct of Hearings.

(1) At its discretion, the Board may appoint some person (preferably an attorney or someone familiar with the laws and procedures) to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on app questions or evidence and procedure.

(2) In the event a hearing examiner is not appointed, the chairperson of the board may preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the board.

(3) Normally, the proceeding shall follow those used by a civil court in which an opening statement is made by the plaintiff and the respondent. Both sides with rebuttals then present evidence. Witnesses may be examined by the plaintiff and respondent or their attorneys and by members of the board. Re-direct and re-cross and re-examinations

- (4) The record of the hearing of the case shall include;
 - (1) All motions, intermediate ruling, and depositions.
 - (2) Evidence received and considered.
 - (3) Statement of matters officially noted.
 - (4) Questions and offers of proof, objections, and rulings thereon.
 - (5) Proposed findings and exceptions.
 - (6) Any decision, opinion, or report by the officer presiding at the hearing.

(H) The members of the Board or the Board’s authorized representative presiding at the hearings may:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
- (3) Rule on offers of proof and receives relevant evidence;
- (4) Require and supervise discovery, including taking depositions or have depositions;
- (5) Regulate the course of the hearing, including administer sanctions for conduct within Rule 11 of the CNMI rules of Civil Procedure;
- (6) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (7) Dispose of procedural requests or similar matters; and
- (8) Make or recommend orders or decisions in accordance with the law, rules, or regulations.

(I) It shall require a unanimous majority vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license or certificate of the accused.

(J) The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.

(K) Reinstatement of License or Certificate

Each licensee or firm whose license or certificate has been revoked by the Board or any jurisdiction must file a new application, meet present day requirements for licensure or certification, and receive Board approval. The Board may reissue a license or certificate to a person or firm whose license or certificate has been revoked provided that a majority of the members of the Board vote in favor of such issuance.

PART 1100 MISCELLANEOUS PROVISIONS

§ 125-20.1-1101 Reinstatement of Licensure After Revocation

(a) Upon petition of an individual or firm, the Board may reissue a license or certificate of authorization provided that a majority of the members of the Board votes in favor of such issuance. The petition must clearly and concisely set forth reasons for requesting reinstatement.

(b) For reason(s) the Board deems sufficient, an expired or revoked license or certificate may be reinstated.

§ 125-20.1-1105 Advertising Practices

It is in violation of these regulations for any individual or firm to advertise as an engineer, architect, land surveyor, or landscape architect unless such individual or firm holds a license or certificate of authorization.

§ 125-20.1-1110 Board Records

(a) Retention of Records

Applications received by the Board may be approved, disapproved or deferred pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board. Application from either an individual or firm in which a violation of the CNMI law was evident shall be retained indefinitely by the Board.

(b) Disposal of Records

(1) Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those documents submitted by the applicant.

(2) The following is the schedule of retention time for applications submitted to the Board:

- | | |
|----------------------------|---------|
| (i) Disapproved | 2 years |
| (ii) Examination, inactive | 2 years |
| (iii) Expired license | 2 years |

§ 125-20.1-1115 Severability

If any provision of these regulations, or the application of any such provision, to any person or firm or under any circumstances shall be held invalid by a court or competent jurisdiction, the remaining provisions of these regulations and the application of such remaining provisions to persons or firms or under any circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these regulations are and shall be severable.

PART 1200 CONFLICT AND BIAS

§ 125-20.1-1201 Conflict and Bias

Board members shall follow the conflict of interest policy established by the Government Ethics Code, 1 CMC §§ 8501-8577.