



Commonwealth of the Northern Mariana Islands

## Office of the Attorney General

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Caller Box 10007, Capitol Hill  
Saipan, MP 96950

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Attorney General

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August 12, 2015

OAGCOR: 2015-194

Joyce C.H. Tang  
Northern Mariana Islands Settlement Fund Trustee  
Northern Mariana Islands Settlement Fund  
Capitol Hill  
P.O. Box 501247  
Saipan, MP 96950

### Re: Proposed Northern Mariana Islands Settlement Fund Administrative Appeal Rules and Procedures

Dear Ms. Tang:

The purpose of this letter is to provide written comment by the Office of the Attorney General regarding the proposed Northern Mariana Islands Settlement Fund Administrative Appeal Rules and Procedures. After reading the proposed rules, I would like to recommend the following:

Under Rule 5(d), the final sentence reads, in part, "or if no stay was not previously granted[.]" This double negative changes the meaning of the sentence and I recommend it be changed to read "or if no stay was previously granted[.]"

Rule 6.6(c) states that "[t]he aggrieved party has the burden of proof." However, the rule does not state what level of proof is required. I advise that the rule instead states that "[t]he aggrieved party has the burden of proving its case by a preponderance of the evidence." I also recommend changing the later sentence "[a] decision may not be issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with reliable, probative, and substantial evidence[]" to read "[a] decision may not be issued except on consideration of the whole record or those parts thereof cited by a party, and supported by, and in accordance with, the evidence."

I recommend adding some additional qualifications for Hearing Officers and Arbitrators under Rule 15(a) to include educational qualifications of a minimum of a bachelor's degree, some prior work experience as a hearing officer or an arbitrator (or alternatively, status as a licensed attorney in the Commonwealth), and an absence of any felony conviction.

With regard to Rule 15(b)(iii), I recommend having a different Hearing Officer determine a challenge to a Hearing Officer and a different Arbitrator determine a challenge to an Arbitrator.

**Civil Division**  
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Letter to Joyce C.H. Tang  
NMI Settlement Fund Trustee  
*Re: Proposed Northern Mariana Islands Settlement Fund  
Administrative Appeal Rules and Procedures*  
July 31, 2015  
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On Form D (Financial Declaration), I recommend adding a note that applicants who provide false or dishonest answers may be referred for criminal prosecution.

Sincerely,



Edward Manibusan  
Attorney General

cc: Joaquina B. Aguon, NMI Settlement Fund Executive/Legal Secretary and Appeals Coordinator