

# EXECUTIVE SUMMARY

## Audit Recommendations Tracking Report as of June 30, 2005

Report No. TR-05-01, December 2, 2005

### Summary

The Office of the Public Auditor (OPA) maintains an audit recommendations tracking system to monitor implementation and resolution of audit recommendations. On a semi-annual basis, OPA issues its Report on CNMI Agencies' Implementation of Audit Recommendations (Audit Recommendations Tracking Report) which presents the audited agencies' compliance with OPA's recommendations.

Open and resolved audit recommendations are included in OPA's tracking system report. In addition, we have also included recommendations which were closed during the past six months. An *open* recommendation is one where no action or plan of action has been made, or no time frame for the plan of action has been provided by the client (department or agency). A *resolved* recommendation is one in which OPA is satisfied that the client cannot take immediate action, but has established a reasonable plan and time frame for action. A *closed* recommendation is one in which the client has taken sufficient action to meet the intent of the recommendation or we have withdrawn it. Also, we have considered open or resolved recommendations as *delinquent* if the recommendation has been outstanding for at least 180 days and we have not been informed by the concerned agency or department of any action being taken to close the recommendations.

Audit recommendations tracked for the first six months of 2005 totaled 70. Of the 70 audit recommendations, 1 was closed and 69 remained either open or resolved. Of the 69 open or resolved recommendations, 24 were considered delinquent.

The table below presents the status of OPA's audit recommendations for the first six months of 2005.

Status of Audit Recommendations	Up to 6/30/05
Total Recommendations Tracked for the First Six Months of 2005	70
Less: Closed Recommendation	(1)
Outstanding Recommendations as of June 30, 2005 (Open or Resolved)	69
Number of Delinquent Recommendations	24

OPA's follow-up on outstanding audit recommendations and the response letters received from various government agencies resulted in the closure of one audit recommendation and encouraged agency action on delinquent recommendations. OPA closed 1 of the 70 recommendations it tracked in the first six months of 2005. The number of delinquent recommendations decreased by 20% as of June 30, 2005.

A review of the one recommendation closed during the first six months of 2005 showed that the closure was a result of the agency implementing the decision of an arbitration panel that upon judicial review, was upheld by the Superior Court.

Recommendations issued by private CPA firms are also included in OPA's audit recommendations tracking report. OPA is not responsible for tracking the implementation of these recommendations, however, they are included in the audit tracking report for information purposes. Based on the classification followed by private CPA firms, a recommendation is described as either *resolved* or *unresolved*. OPA has included in the tracking report a total of 88 recommendations in 8 recent audit reports issued by private CPA firms under contract by OPA.

As of June 30, 2005, recommendations in 11 audit reports were referred to the Attorney General's Office for legal action to recover monies improperly expended. According to OPA's audit reports, approximately \$2,678,712 is potentially recoverable. In addition to this, potential recovery of another \$3.7 million also hinges on agencies' actions.

Recommendations in 9 audit reports identified potential recoveries due to unpaid rentals of land leases, uncollected labor processing fees, overpayments in professional services contracts and retirement benefits, and improper expenditure of public funds. In OPA's Audit of Controls Over the Nonresident Worker Application Process issued on June 6, 2005 [AR-05-02], OPA identified potential recovery of \$512,410 in uncollected labor processing fees. OPA recommended that the Department of Labor recover these uncollected fees from Company A and Company B. Therefore, the balance recoverable which hinge on agencies' actions as of June 30, 2005 is now \$3,728,319.

In accordance with statutory restrictions in the Auditing and Ethics Acts, the names of individuals and entities in the audits are not disclosed in this report.



*A copy of the entire report is available at the Office of the Public Auditor, or through OPA's Website*

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Report on CNMI Agencies' Implementation of  
**Audit Recommendations**  
As of June 30, 2005

Office of the Public Auditor  
Commonwealth of the Northern Mariana Islands



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# Introduction

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## Background

The provisions of 1 CMC §2307 established the Interagency Audit Coordinating Advisory Group (Coordinating Group) consisting of the presiding officer and minority leader of each house of the Legislature, the Secretary of Finance, and the Special Assistant for Management and Budget. According to the law, the Coordinating Group is to review all audit reports of the Public Auditor, and the Public Auditor will discuss the manner in which audit recommendations can be implemented with the assistance of the members of the Coordinating Group. The Coordinating Group shall also recommend to the Governor and to the Legislature any changes in laws or regulations which it finds necessary or desirable as a result of its work with the Public Auditor.

In early 1999, the former Governor appointed the former Secretary of the Department of Finance as the Chairperson of the Coordinating Group. The former Secretary of the Department of Commerce was also named a member of the Coordinating Group to help pursue closure of open and resolved recommendations. On March 10, 1999, the former Governor issued a memorandum advising all Department and Activity Heads to provide assistance to the Coordinating Group in resolving all outstanding recommendations.

In early 2000, the Coordinating Group met and decided to follow-up on the actions taken by various government agencies to address OPA's outstanding audit recommendations by scheduling meetings with each Department Head. Starting September 2000, meetings were held by the Coordinating Group to discuss actions which could be taken to close the outstanding recommendations pertaining to government agencies under the Executive Branch of the Government which include, among others, the Department of Public Safety, the Department of Community and Cultural Affairs, the Department of Lands and Natural Resources, the Attorney General's Office, the Department of Public Health, the Department of Finance and the Department of Public Works.

The Coordinating Group members did not meet with OPA and agency heads in 2001, 2002, 2003, and 2004. OPA, however, sent follow-up letters and/or called various government agencies asking them what actions were taken toward addressing the outstanding recommendations. Meetings on various dates were also held with various government agencies to discuss and clarify actions to be taken to close outstanding recommendations.

On March 13, 2002, the then-Acting Governor issued a letter to the Senate President, Speaker of the House, and the then-Acting Secretary of Finance to remind them of their membership on the Coordinating Group.

Although the Coordinating Group members did not meet during the first six months of 2005, OPA again issued follow-up letters and/or called various government agencies with outstanding audit recommendations as of June 30, 2005. This report



incorporates agency responses to follow-up letters which OPA received on or before September 16, 2005. The response letters received resulted in the closure of one audit recommendation. In accordance with statutory restrictions in the Auditing and Ethics Acts, the names of individuals and entities in the audits are not disclosed in this report.

### **Audit Recommendations Tracking System**

OPA maintains an audit recommendations tracking system to monitor implementation and resolution of OPA audit recommendations. Recommendations issued by Independent Auditors are also included in the tracking system for information purposes.

*OPA Recommendations* - Open and resolved audit recommendations are included in OPA's tracking report. In addition, we have also included recommendations which were closed during the past six months. An *open* recommendation is one where no action or plan of action has been made, or no time frame for the plan of action has been provided by the client (department or agency). A *resolved* recommendation is one in which OPA is satisfied that the client cannot take immediate action, but has established a reasonable plan and time frame for action. A *closed* recommendation is one in which the client has taken sufficient action to meet the intent of the recommendation or we have withdrawn it. Also, we have considered open or resolved recommendations as *delinquent* if the recommendation has been outstanding for at least 180 days and we have not been informed by the concerned agency or department of any action being taken to close the recommendations.

*Independent Auditors Recommendations* - We have also included in this report recommendations issued by private Certified Public Accountant (CPA) firms. OPA is not responsible for tracking the implementation of these recommendations, however, they are included in the audit tracking report for information purposes. Because OPA is responsible for overseeing all audits of the CNMI government, follow-up procedures are also conducted for these recommendations to determine what actions have been taken by the individual agencies to implement the recommendations issued by private CPA firms. A copy of the agencies' responses is subsequently provided to the Independent Auditor who conducted the audit to determine whether the agencies' responses are sufficient to consider the recommendations resolved. Based on the classification followed by private CPA firms, a recommendation is described as either *resolved* or *unresolved*.

# Status of Audit Recommendations

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**F**or the first six months of 2005, OPA issued two audit reports, one of which was addressed to the Department of Labor, and the other addressed to various government agencies which set fourth a total of 18 recommendations added into the tracking system. The 18 recommendations were in addition to the 52 recommendations outstanding at the beginning of the year, making a total of 70 recommendations tracked for the first six months of 2005. Of the 70 audit recommendations, 1 was closed and 69 remained either open or resolved. Of the 69 open or resolved recommendations, 24 were considered delinquent.

The following table presents a comparative schedule of the status of all our audit recommendations for calendar years 2003, 2004 and for the first six months of 2005.

Status of Audit Recommendations	2003	2004	up to 6/30/05
Total Recommendations Tracked for the Year	110	67	70
Less: Closed Recommendations	(43)	(15)	(1)
Outstanding Recommendations, End of Year (Open or Resolved)	67	52	69
Number of Delinquent Recommendations	32	30	24

The response letters received from various government agencies resulted in the closure of one recommendation and encouraged agency action on delinquent recommendations. OPA closed 1 of the 70 recommendations tracked in the first six months of 2005. The number of delinquent recommendations decreased by 20 percent as of June 30, 2005.

## Independent Auditor's Report

OPA has included in the tracking report a total of 88 recommendations from 8 recent audit reports released by private CPA firms under contract by OPA.

## Other OPA Reports

OPA issued one procurement report *i.e.* decision on appeal during the first six months of 2005 on the cancellation of RFP 05-SOF-016 and the award of contract 4321248-OC. Based on OPA's Protest Decision No. BP-A046, the appeal was denied due to the fact that OPA did not have jurisdiction over the matter.

## Closed Recommendation

One recommendation was closed because the agency implemented the decision of an arbitration panel that upon judicial review, was upheld by the Superior Court.

## Delinquent Recommendations

Delinquent recommendations decreased by 6 (20%) from 30 in 2004 to 24 in the first six months of 2005.

Year	2003	2004	up to 6/30/05
1995	3	6	3
1996	1	2	1
1997	3	3	2
1998	1	1	1
1999	2	2	2
2000	6	10	6
2001	5	5	2
2002	2	0	0
2003	9	7	7
Total	32	30	24

Table 1 - Delinquent Recommendations

Below is an aging of the 24 delinquent recommendations issued in years 1995 to 2003:

Agency to Act	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
1. Northern Marianas College									7	7
2. Department of Finance	1	1	2	1	1					6
3. Marianas Public Lands Authority	1					3				4
4. Northern Marianas Retirement Fund	1					1	2			4
5. Department of Lands and Natural Resources						1				1
6. Department of Public Health					1					1
7. Office of the Governor						1				1
Number of Delinquent Recommendations	3	1	2	1	2	6	2	0	7	24

## AGO Action Needed for Recovery of Approximately \$2,678,712

As of June 30, 2005, recommendations in 11 audit reports were referred to the Attorney General's Office (AGO) for legal action to recover monies improperly expended. OPA requested on August 9, 2005 an update of these referrals. On September 1, 2005, the Attorney General informed OPA that the AGO requested information on one of these referral cases from DOF regarding payments made to the Gaming Commission and other entities. The Attorney General also informed OPA that there had been no changes to nine of these referral cases and AGO has yet to locate the original file in another one of these referral cases.

The following table presents an updated listing of AGO referral recommendations involving recovery of funds in which approximately \$2,678,712 is potentially recoverable.

	Report No. (Issue Date)	Particulars	Amount Recoverable	Status per AGO
1	AR-99-03 (4-7-99)	TCGCC - Legal action to recover overpayment of \$543,375 from the consultant on grounds of unjust enrichment, conversion, fraud and breach of fiduciary duty and recovery of \$195,971 from three other individuals for breach of fiduciary trust for total amount recoverable of \$739,346.	\$739,346	AGO is researching legal issues that have arisen in the pending suit and will follow-up on this matter with TCGCC's legal counsel.  In January 2005, AGO requested information from DOF regarding payments made to the Gaming Commission and other entities.
2	AR-02-02 (9/11/02)	TCGCC - Audit of Travel Transactions for fiscal years 1996 - 2001. The potential recovery amount for outstanding advances of \$406,925 was reduced by \$14,672 and \$75 leaving a balance of \$392,178 to be recovered	392,178	AGO is currently researching standing issues related to the collection of the debt.
3	AR-99-04 (10-28-99)	CNMI - Overpayments of professional services contracts. Balance of overpayments totaling \$1,315,102 re-directed to AGO of which \$8,302 is immediately recoverable and \$1,306,800 is recoverable unless adequately supported.	1,315,102	AGO requested to pursue collection of overpayments on 6/2/05.
4	AR-00-01 (4-13-00)	DPW - Recovery of \$164,534 in improper payments made to a surveying contractor and adverse action against contractor for misrepresentation relating to the Tinian road resurfacing project in 1997. Pursuant to a decision issued by the United States District Court, amount recoverable from the contractor is reduced to \$100,000 in restitution.	100,000	AGO stated that enforcement of the federal court order of restitution should be the responsibility of the U.S. Attorney's Office. Accordingly, the AGO plans to request enforcement by that office.
5	AR-98-06 (12-14-98)	DOF - Funds misused by the former Secretary of Finance during fiscal years 1995 to 1997.	75,000	A civil case against the defendant is still pending for the recovery of funds.
6	AR-97-06 (4-23-97)	DPH - Deny claims for repairs and non-existent lease for the period December 1993 to March 1996.	9,000	AGO requested to review case and pursue legal action on 6/2/05.

	Report No. (Issue Date)	Particulars	Amount Recoverable	Status per AGO
7	AR-97-06 (4-23-97)	DPH - Rota Health Center (RHC) - Recovery from the former RHC Director of amount taken from RHC funds and reimbursement for cost of a washing machine for the period December 1993 to March 1996.	4,982	AGO informed OPA that although this referral case was previously closed on 9/5/02, the AGO plans to contact OPA for verification of records.
8	AR-96-05 (3-21-96)	MPLA - Recovery of rentals due from a restaurant and recovery from a lessor of all payments collected from a sublessee for the subleasing of the Saipan Fishing Center building as of October 31, 1995.	Unknown.	According to AGO, OPA agreed to do follow-up investigation as agreed in a meeting between AGO and OPA on 10/19/99. Upon further review, it was determined that additional investigative work by OPA will not result in any changes to the findings and conclusions stated in the report. On 8/16/04, OPA forwarded to the AGO a copy of the audit report for AGO's review and action.
9	AR-95-18 (10-10-95)	MPLA - Double payment of travel expenses and overpaid per diem allowances to the former Executive Director for the period September 1992 to September 1994.	Unknown.	AGO should provide documents on conveyance of property for debt settlement of former Executive Director.
10	AR-95-17 (10/2/95)	CPA - Legal action to recover the remaining balance of \$40,131 for improper reimbursement from the board members.	40,131	AGO has adopted a policy to pursue all collection cases involving money owed to the government "in the public interest" until the CNMI Supreme Court rules to the contrary.
11	LT-01-07 (11/23/01)	CUC - Recover travel overpayments and questionable payment from current and former Board Members.	2,973	This case has been assigned to an Assistant Attorney General for evaluation and collection if appropriate.
Total Amount Recoverable			\$2,678,712	

OPA also referred one audit report [AR-00-03] to the AGO to determine the propriety of the Commonwealth Ports Authority's practice of making advance payments of unused annual leave and salary, instead of complying with the provision in the employment contracts that payments will be made upon contract expiration. In addition, AGO was to review OPA's opinion regarding granting six designated

officials 14 annual leave hours per pay period. According to the Attorney General's recent response dated September 1, 2005, there has been change to the development of this case.

A recommendation redirected to the AGO relating to OPA's audit of DLNR's agreement with a submerged land lease to operate the Outer Cove Marina is now closed [AR-01-02]. AGO was asked to provide OPA the status of the on-going negotiation between the CNMI government and the submerged land lessee. In her September 1, 2005 response, the Attorney General informed OPA that the binding arbitration is complete and the AGO has since closed this case. A panel of arbitrators ruled in favor of the submerged land lessee and the CNMI was ordered to pay \$5.6 million.

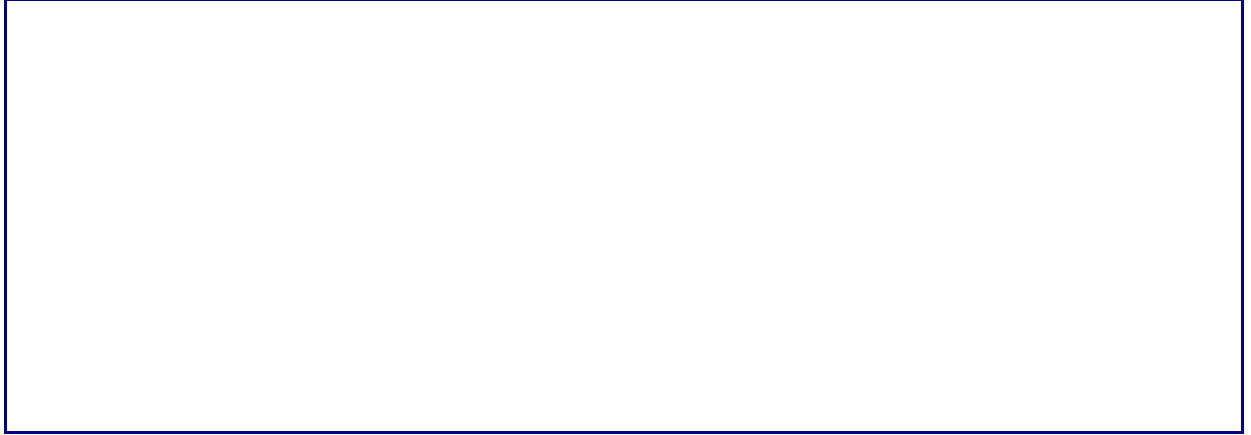
### Potential Recovery of \$3.7 Million Hinges on Agencies' Actions

Recommendations in nine audit reports identified potential recoveries due to unpaid rentals of land leases, uncollected labor processing fees, overpayments in professional services contracts and retirement benefits, and improper expenditures of public funds.

As of June 30, 2005, OPA identified potential recovery of \$512,410 in uncollected labor processing fees which OPA recommended that the Department of Labor recover from Company A and Company B [AR-05-02 issued on June 6, 2005]. The balance recoverable of \$3,728,319 hinge on agencies' actions is shown in the following table:

	Report No. (Issue Date)	Particulars	Amount Recoverable	Status per Agency
1	AR-00-04 (11-22-00)	Board of Marianas Public Lands Authority - Collection of rentals from 8 quarry operators for six lease years from 1990 to 1995 totaling \$4,690,708, less \$946,968 write-off for one bankrupt quarry operator resulting in an amount recoverable of \$3,743,740.	\$3,743,740	\$892,859 was recovered from seven quarry operators.
2	AR-05-02 (6-6-05)	DOL - Audit of Controls Over the Nonresident Worker Application Process. Amount recoverable consists of uncollected fees of \$330,835 from Company A and \$181,575 from Company B.	512,410	DOL will update OPA based on the conclusions drawn by the investigators tasked with identifying the responsible parties for the uncollected fees.
3	AR-00-03 (7-20-00)	CPA - NMIRF to recover improper payments to two former CPA officials for retirement benefits and compensatory time claimed.	126,730	The former Executive Director had appealed the Board's final decision to the Superior Court and the case is still on-going; The Board of Trustees agreed to revisit the issue of recovering

Report No. (Issue Date)	Particulars	Amount Recoverable	Status per Agency
			overpayments.
4 AR-95-18 (10-10-95)	MPLA - Double payment of travel expenses and overpaid per diem allowances to the former Board Chairman, Tinian board member and Rota board member for the period September 1992 to September 1994.  Amount recoverable from the former Rota Board member as of 3/26/04 is \$71,289.14 (principal plus interest); amount recoverable from the former Board Chairman as of 3/26/04 is \$27,743.74 (principal plus interest); and amount recoverable from the former Tinian Board member as of 6/7/04 is \$16,829.45 (principal only). Total amount recoverable from the three former board members as of 3/26/04 and 6/7/04 is \$115,862.33.	115,862	\$20,400 partially recovered from the former Rota Board member, \$5,825 partially recovered from the former Board Chairman, and \$10,250 partially recovered from the former Tinian Board member. Total amount partially recovered is \$36,475.
5 AR-97-05 (3-20-97)	CNMI - Promissory note for \$96,100 on overpayment of two professional services contracts (Contract nos. C40113 and C50108) covering the period October 1, 1991 to July 20, 1995.	96,100	Partial recovery of \$12,000 leaving a balance of \$84,100 still to be recovered.
6 AR-98-06 (12-14-98)	DOF - Funds misused by the former Secretary of Finance from fiscal years 1995 to 1997.  On 2/22/01, the Federal Court ordered the Secretary of Finance to pay \$56,462 in restitution.	56,462	Assigned U.S. Probation Officer will set a payment schedule to dispose of his restitution obligation after July 2005.
7 AR-97-05 (3-20-97)	CNMI - Overpayment to contractors of four professional services contracts (Contract nos. C40276, C50083, C50132 & C50208) audited covering the period October 1, 1991 to July 20, 1995.  Overpayments for C40276 totaling \$10,000 was fully recovered by OMB. Therefore, recovery of \$25,079 is reduced to \$15,079.	15,079	DOF will gather required documents to include with the bills for collection and will refer this matter to the AGO for collection.
8 AR-99-02 (3-29-99)	WRO - Outstanding employee loans for Fiscal Years 1995 and 1996.	3,580	Partial recovery of \$1,380.
9 AR-03-04 (3/10/03)	AGIU - Recovery of overpayments of per diem from three travelers involved.	1,605	Partial recovery of \$535.
Total Amount Recoverable		\$4,671,568	
Less: Partial Recoveries		(\$943,249)	
Balance of Amount Recoverable as of 6/30/05		\$3,728,319	





# Office of the Governor

## Report No. LT-01-02 issued May 3, 2001 Audit of the Maintenance and Use of the Challenger Since its Purchase in 1995

Date(s) of followup letter(s) sent : 8/22/01, 3/4/02, 8/12/02, 2/12/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 3/13/03 (meeting with the Speaker of the House), 5/12/04, 9/29/04, 2/17/05

**Recommendation 6** : The CNMI Legislature should amend 1 CMC §7402 (a) (2) of the Planning and Budgeting Act by adding a provision to the Act that any CNMI Government employee who illegally reprograms government funds or receives illegally reprogrammed funds will be held personally liable for the amount of the reprogramming action.

**Agency to Act** : House of Representatives

**Status** : Resolved - Active

**Agency Response** : In a letter dated 4/2/01, the Attorney General advised that the reprogramming authorized by a former official of the Office of Management and Budget did indeed violate the Planning and Budgeting Act. However, the Act provides no sanction or remedy for this violation. Consequently, the Attorney General's Office is unable to take appropriate action because evidence was not presented showing that reprogramming action itself involved a clear waste and abuse of government funds. The Attorney General, however, stated that this illegal action and OPA's report clearly identified a defect in the Act, and agreed to support legislative action to amend the law. OPA agreed with the Attorney General's position that legislation should be introduced to amend the Act. OPA therefore added Recommendation No. 6 for the Legislature to act upon.

On 9/29/04, the Speaker of the House provided OPA a draft of a bill to amend the Planning and Budgeting Act. House Bill No. 14-249, which was introduced by the House on 10/1/04 to amend 1 CMC §7402 (a) (2), states that "No funds may be reprogrammed to any account which has been zero-funded by the legislature or to any account for which the legislature has not made an appropriation. Any person who reprograms government funds or knowingly receives reprogrammed funds contrary to this subsection shall each be held personally liable for the amount of the reprogrammed amount." This recommendation will remain resolved - active until such time that the bill is passed and signed into law.

OPA was informed by the Acting Speaker on 2/17/05 that House Bill No. 14-249 which was introduced on 10/1/04 was referred to the Standing Committee on Judiciary and Governmental Operations. The Acting Speaker stated that he will encourage the committee to report on the bill so the House can pass it and transmit it to the Senate.

**Additional Information or Action Required** : The House of Representatives should continue to update OPA on the status of House Bill 14-249 until passed and signed into law.

## Office of the Attorney General

**Report No. AR-03-04 issued March 10, 2003**

**Office of the Attorney General**

**Audit of the Attorney General's Investigative Unit Confidential**

**Informant/Cash Funds From October 1, 1994 to April 30, 2002**

Date(s) of followup letter(s) sent : 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 5/12/03, 9/15/03, 4/30/04, 10/25/04, 9/1/05

**Recommendation 3** : Recovering the residual value of three unused return airline tickets totaling \$723 and the overpayment of per diem of \$1,605 from the three travelers involved.

**Agency to Act** : Attorney General's Investigative Unit

**Status** : Resolved - Active

**Agency Response** : In her response dated 5/12/03, the former Attorney General informed OPA that a \$723 credit voucher had been issued by the involved travel agency to be depleted by offsetting with future airline tickets for investigation related to the local law enforcement funds purpose with no restrictions. Furthermore, the Attorney General outlined two steps to resolve the travelers' overpayment of per diem - (1) the current AGIU investigator will re-pay the fund in cash, and (2) the two other travelers, now both civilians and not attached to AGIU, will be contacted by an Assistant Attorney General for repayment through legal process.

In his response dated 9/15/03, the Acting Attorney General stated that this case was cleared by OPA. Upon further review, OPA determined that this case has not yet been cleared since OPA was not provided copies of documents evidencing re-payment made into the fund by the current AGIU investigator for the overpayment of per diem and the results of their collection effort for the other two travelers with overpayments of per diem who are no longer employed with the AGIU.

On 4/30/04, the Deputy Attorney General informed OPA that one AGIU investigator has repaid \$535 to the CI Fund. Supporting documents to evidence re-payment made by the AGIU investigator was subsequently provided to OPA on 7/20/04. Also, an attorney has been assigned to evaluate the case and to recover the uncollected balances due to the CNMI government. Based on AGO's response and supporting documents provided, \$535 has been collected, leaving a balance of \$1,070 still recoverable from the two remaining investigators who are no longer attached to AGIU.

In his response dated 10/25/04, the Acting Attorney General stated that OPA only allowed \$200 per diem rate, however, the AGO Administrative Officer determined that AGIU was allowed higher per diem rate. He further stated that OPA required receipts and disallowed some expenses, however, under current travel policies and memoranda, per diem does not have to be justified by receipts. The requirement imposed is that boarding passes must be supplied. The AGO also stated that there are no fiscal rules regarding paid travel, per diem, or hearing procedures in contested cases. AGO plans to meet with OPA and DOF to discuss this matter.

*OPA Response to AGO:* The CNMI Travel Regulations are clear as to what type of expenses can be covered by the travel advance and OPA agrees that per diem does not have to be covered by receipts. However, per diem rates per locality are also established by the

Regulations and we have not seen anything in writing allowing AGIU to exceed the \$200 per diem rate for the Korea trip. Pursuant to regulations, meals are covered by the per diem and should not form part of the additional expenses deductible from the advance. Sightseeing tour entrance fees are also not among those allowed as legitimate travel expenses. OPA still believes that the excess amount should be returned by the travelers unless the AGO can justify what it claims "a higher per diem rate for investigators". OPA would be ready to further discuss this issue with AGO.

In her response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required :**

AGO should inform OPA of the results of their collection effort for the other two travelers with overpayments of per diem who are no longer employed with the AGIU and provide copies of documents evidencing payments until fully recovered.

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## Department of Finance

### Report No. AR-98-06 issued December 14, 1998

#### Department of Finance

#### Audit of Misuse of Funds by the Former Secretary of Finance

#### Fiscal Years 1995, 1996, and 1997

Date(s) of followup letter(s) sent : 11/23/99 (DOF), 1/26/99, 1/5/00 (AGO), 1/17/01 (AGO), 8/21/01 (AGO), 2/14/02 (AGO), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 4/13/04 (AGO), 4/14/04 (DOF), 9/21/04 (AGO), 9/28/04 (DOF), 2/15/05 (DOF) (AGO), 8/8/05 (DOF), 8/9/05 (AGO)

Date(s) of response letter(s) received : 1/20/00 (AGO), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 3/31/05 (DOF), 9/1/05 (AGO)

**Recommendation I** : *As Revised:* DOF should provide OPA documents showing recovery of the \$56,461.98 in restitution on the federal case. In addition, AGO should take further legal action against the former Secretary for misappropriation and improper expenditure of public funds.

**Agency to Act** : Department of Finance / Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : On 2/22/01, the Federal Court sentenced the former Finance Secretary to 33 months imprisonment and ordered payment of \$56,461.98 in restitution to the court for disbursement to the CNMI Department of Finance.

In his 3/9/01 response, the Acting Attorney General stated that the AGO waited until the federal crime case concluded since one count in the case was covered by AGO's case. The former Secretary was ordered to pay restitution in the federal case, thereby reducing the maximum potential judgment. AGO will make a Motion for Summary Judgment and will still seek a judgment of approximately \$75,000 against the former Secretary of Finance for misappropriation and improper expenditure of public funds.

During the 2/12/02 meeting, AGO informed OPA that it will file a Motion for Summary Judgment in the civil action filed against the former Secretary of Finance. In a follow-up letter to AGO dated 2/14/02, OPA compiled a list of its referrals for AGO to prioritize for action. The list included this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that this case has been forwarded to the AGO's collection team (an in house team assembled to collect debts owed the government that are over the statutory limit for small claims) and the matter is still pending.

In his 10/25/04 response, the Acting Attorney General stated that the civil case against the defendant is still pending for the recovery of funds.

In a response letter dated 3/18/05, the Secretary of Finance stated that the defendant has not made any payments towards his restitution obligation to the CNMI government to date. On 3/31/05, OPA was provided a copy of the letter received from the U.S. Attorney of the District of Guam to the Secretary of Finance informing him that the former Secretary

of Finance's assigned U.S. Probation Officer will be setting a payment schedule to dispose of his restitution obligation after July 2005. The U.S. Attorney of the District of Guam will be notifying the Secretary of Finance once the payment plan is established.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information**

**or Action Required** :

DOF should provide OPA proof of collection of the \$56,461.98 restitution in the federal case. In addition, AGO should also provide OPA with copies of any judgement issued.

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## Department of Labor

### Report No. AR-02-04 issued on November 5, 2002

#### Department of Labor and Immigration - (Currently Department of Labor / AGO - Division of Immigration)

#### Audit of the Department of Labor and Immigration

#### Tinian Long Distance Telephone Charges

#### January 1998 through June 2000

Date(s) of followup letter(s) sent : 2/18/03 (DOLI), 8/4/03 (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO) (DOL), 2/15/05 (AGO) (DOL), 8/9/05 (AGO) (DOL)

Date(s) of response letter(s) received : 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 10/27/04 (DOL), 9/1/05 (AGO)

**Recommendation 2** : Request the telephone company to reduce the number of agency telephone lines with long-distance access and limit long-distance access only to certain employees.

**Agency to Act** : Department of Labor - Tinian / AGO-Division of Immigration - Tinian

*Note:* This recommendation was previously addressed to the Department of Labor and Immigration (DOLI) - Tinian. Pursuant to Executive Order 03-01 dated 3/10/03, the Division of Immigration was transferred to the AGO. Implementation of this recommendation will now be required from both the Department of Labor - Tinian and the AGO-Division of Immigration - Tinian. Although the Division of Immigration is not under the Department of Labor, OPA included this section of the report under the DOL to avoid duplication.

**Status** : Resolved - Active

**Agency Response** : The Resident Director of DOLI Tinian appears to disagree with the recommendation. She stated that DOLI Tinian has four divisions which contains an average of two to three sections. She explained that the current ten telephone lines often results in hampered public services due to busy telephone signals. Hence, she maintained that her department will continue with the set up of ten telephone lines.

In a conference call between the DOLI Tinian Resident Director's Secretary and OPA on 2/18/03, the Secretary stated that there are only four DOLI personnel who have access to a pin number used to make long-distance calls. Also, the only telephone line with direct access to long-distance is in the Resident Director's office.

*AGO - DIVISION OF IMMIGRATION* - In a telephone conversation with the Deputy Attorney General in Mid-June, OPA was informed that the recommendation has been implemented. OPA will request the AGO to provide written documentation evidencing implementation of the recommendation in order to consider the recommendation closed.

*DEPARTMENT OF LABOR* - On 10/27/04, the Secretary of DOL provided OPA with a copy of the letter addressed to the Resident Department Head of DOL - Tinian instructing him to (1) submit a written request to the telephone company to block all long distance telephone access to every telephone line, including facsimile lines, (2) procure and utilize a long distance calling card to be in his possession or a designee, (3) maintain a log book to record long distance calls made by an authorized employee to be used to certify each month's long distance call billing, and (4) re-issue policy memoranda to all employees regarding the use of long distance telephone calls.

In her response letter dated 9/1/05, the Attorney General stated that they are currently working on this matter.

**Additional Information**

**or Action Required** : *AGO - DIVISION OF IMMIGRATION* - AGO should provide written documentation evidencing that authorization of the long-distance pin number is limited to certain employees.

*DEPARTMENT OF LABOR* - DOL should provide OPA with a copy of the policy memoranda on the use of long distance telephone calls and a copy of the log sheet used to record and monitor all long distance calls made.

**Report No. AR-05-02 issued on July 6, 2005**  
**Audit of Controls Over the Nonresident Worker Application Process**  
**October 18, 1999 through January 5, 2004**

Date(s) of followup letter(s) sent :

Date(s) of response letter(s) received :

**Recommendation 1** : Enforce section II B(3) of the DOL Alien Labor Rules and Regulations which requires the submission of Proof of Payment with other required documents.

**Agency to Act** : Department of Labor

**Status** : Resolved - Active

**Agency Response** : The DOL will ask the DOF to produce one receipt per application that is being paid. The receipt will be attached to its respective application and would allow for the performance of the newly established procedure in response to recommendation 2.

**Additional Information**

**or Action Required** : DOL should provide OPA a copy of the memorandum from the Secretary of Labor to the Labor Processing staff directing them to enforce section II B(3) of the DOL Alien Labor Rules and Regulations requiring submission of proof of payment with other required documents.

**Recommendation 2** : Direct that managers and supervisors responsible for reviewing and approving do not also receive and input applications.

**Agency to Act** : Department of Labor

**Status** : Resolved - Active

**Agency Response** : An independent verification of proper payment fees will be performed by the application reviewer. Someone other than the person who initially received the application, will perform a second examination of the amounts stated on the receipt and the voucher respectively.

**Additional Information**

**or Action Required** : DOL should provide OPA a copy of the memorandum from the Secretary of Labor identifying guidelines to ensure that an independent verification of amounts stated on the receipt and voucher is conducted.

**Recommendation 3** : In collaboration with the DOF, establish controls for periodic comparison between the fees reflected on the DOL's records and the fees actually collected as shown on DOF's records so that corrective actions can be taken if necessary.

**Agency to Act** : Department of Labor

**Status** : Resolved - Active

**Agency Response** : Daily summaries for fees actually collected will be requested from the DOF. The DOL will use the summaries to compare the fees actually collected as shown on DOF's records as shown against the fees that should have been collected as per the DOL's records and discrepancies, if any, will be investigated.

**Additional Information or Action Required** : DOL should provide OPA a copy of the controls or procedures established in collaboration with DOF for periodic comparison between the fees reflected on the DOL's records and the fees actually collected as shown on DOF's records.

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**Recommendation 4** : Recover uncollected fees of \$330,835 from Company A and \$181,575 from Company B.

**Agency to Act** : Department of Labor

**Status** : Resolved - Active

**Agency Response** : The response that the DOL would make with regards to this recommendation will be based on the conclusions drawn by the investigators tasked with identifying the responsible parties for the uncollected fees identified.

**Additional Information or Action Required** : DOL should keep OPA informed on the progress of this recommendation.

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## Department of Lands and Natural Resources

**Report No. LT-00-04 issued June 7, 2000**

**Division of Fish and Wildlife (DFW)**

**Audit of Two DFW Employees' Time and Attendance and Whether their Arrangement with DFW was Consistent with the Pacific Islands Education Initiative**

Date(s) of followup letter(s) sent : 7/6/00, 1/24/01, 8/20/01, 3/4/02, 8/9/02, 2/12/03, 8/4/03, 4/13/04, 9/21/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 10/31/00 (meeting with Coordinating Group on DLNR), 9/6/02, 9/13/02 (meeting with DFW Director), 9/16/02 (DFW), 9/25/02 (DFW), 2/18/03 (DLNR), 5/27/04 (DFW)

**Recommendation 3** : The DFW Director should develop a special educational leave program in accordance with the MOU to be approved by the grantor. Also, the Director must ensure that DFW is in compliance with the provisions of the various grants, in order to assure continued federal support.

**Agency to Act** : Department of Lands and Natural Resources

**Status** : Resolved - Delinquent

**Agency Response** : On 9/25/02, DFW provided OPA with a copy of the proposed rules and regulations currently being developed with the assistance of the Northern Mariana Islands Scholarship Program that provides guidelines on how the Pacific Island Education Initiative (PIEI) should be administered as far as recruitment and selection process are concerned.

In his response dated 2/18/03, the Secretary of DLNR stated that the draft rules and regulations on the recruitment and selection process for the PIEI is anticipated to be finalized in the next sixty days with the U.S. Fish and Wildlife Service. The federal grantor agency will provide their written approval shortly thereafter.

In his 5/27/04 response, the DFW Director informed OPA that the pending matter in regards to the Pacific Education Initiative Program has already been completed and is presently being reviewed for approval by their Region 1 Chief Officer of the U.S. Fish and Wildlife.

**Additional Information or Action Required** : DLNR should provide OPA with evidence of concurrence by the grantor agency.

**Report No. AR-01-02 issued March 22, 2001**  
**Department of Lands and Natural Resources**  
**Audit of Agreement with a Submerged Land Lease**  
**to Operate the Outer Cove Marina From May 1993 to October 1998**

Date(s) of followup letter(s) sent : 3/4/02, 8/9/02, 10/3/02 (AGO), 2/14/03 (AGO), 8/4/03 (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 9/6/02, 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 9/1/05 (AGO)

**Recommendation I** : *Original* - The Secretary of DLNR and the submerged land lessee should amend or completely change the lease agreement so that there will be a clearer understanding of each party's obligations and responsibilities, taking into account:

1. The components that will comprise the actual Outer Cove Marina project cost.

The Outer Cove Marina properties/facilities will be turned over to DLNR and to the National Park Service at the completion of the lease period. It is therefore necessary for the submerged land lessee to provide a detailed cost breakdown of all the properties/facilities comprising the Outer Cove Marina project. The detailed breakdown of project costs will also be very useful in establishing the level of fees and making relevant decisions for settling the Outer Cove Marina controversies.

In establishing the cost of each completed facility, the submerged land lessee must also show the reasonable allocation of development costs (*e.g.* architectural and engineering costs, permits, interest and other costs during construction that can be capitalized in accordance with accounting principles and auditing standards, etc.).

2. The allocation of the Outer Cove Marina project cost between the area covered by the lease agreement and the area covered by the concession contract.

How the Outer Cove Marina project properties/facilities will be disposed of depends upon (1) when the lease agreement or the concession contract ends, or (2) if the agreement or contract is terminated at an earlier period. It is therefore necessary that the submerged land lessee also segregate the costs of the Outer Cove Marina project properties/facilities based on the governing agreement/contract.

3. The provisions in the lease agreement that may no longer be practical to implement.

There are provisions in the lease agreement whose implementation may no longer be practical. For example, the CNMI may never collect any yearly rental where it is to be computed as 75 percent of net earnings. The Outer Cove Marina may never make any profit at all because its construction cost was greater than planned. DLNR should decide whether earning an annual rental is a priority, and if it is, then DLNR needs to introduce a new provision that will impose a guaranteed lease rental.

*An alternative course of action that DLNR and the CNMI Government can take is:*

DLNR and the CNMI Government could pay the submerged land lessee for the fair market value of the Outer Cove Marina project, with DLNR then taking over the marina operations, or could turn to other private developers who might take over the marina operations and pay the submerged land lessee for the project cost.

This alternative will require the joint effort of the Executive Branch and the Legislature. Funds needed to pay the submerged land lessee must be identified and appropriated. It will also require an analysis as to what part of the Outer Cove Marina project cost will be assumed by the Government. There are some parts of the Outer Cove Marina operations that could either be retained by the submerged land lessee or taken over by other concessionaires or contractors.

*As Redirected to AGO* - AGO should provide OPA with the status of the on-going negotiation between the CNMI government and the submerged land lessee.

**Agency to Act** : Department of Lands and Natural Resources Redirected to the Attorney General's Office

**Status** : Closed

**Agency Response** : In his 1/22/01 response, the DLNR Secretary concurred with OPA's recommendation (1) to amend or substantially revise the lease agreement or, alternatively, (2) to have either the CNMI Government or another entity take over operation of Outer Cove Marina, but stated that DLNR could not pursue either alternative until the Senate Oversight Committee has submitted its report and the currently proposed legislation (House Bill 12-250) is enacted.

In his response dated 9/6/02, the DLNR Secretary informed OPA that the Outer Cove Marina issues are now being handled by the Attorney General's Office.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. OPA subsequently provided AGO with a copy of the audit report on this case referral on 10/27/03. On 10/31/03, the Acting Attorney General requested OPA the file on this referral case for further evaluation. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case.

In his response dated 10/25/04, the Acting Attorney General stated that this case is presently in binding arbitration. The parties are attempting to settle this case prior to the arbitration hearing set for 11/29/04.

In her response letter dated 9/1/05, the Attorney General stated that the Binding Arbitration is complete according to an Assistant Attorney General's memo dated 3/23/05. A panel of arbitrators ruled in favor of the submerged land lessee and that the CNMI was ordered to pay \$5.6 million. Therefore, the AGO considers this case closed. Based on the information provided by the AGO, OPA will now close this recommendation.

## Department of Public Health

### Report No. AR-97-06 issued April 23, 1997

### Rota Health Center (RHC) Director's Claims Against the RHC

Date(s) of followup letter(s) sent : 6/23/97, 7/16/97, 2/02/98, 9/17/98 (DOF), 9/21/98 (RMO), 11/23/99 (DOF), 11/29/99 (RMO), 7/6/00 (RMO), 7/13/00 (DOF), 1/17/01 (AGO), 1/19/01 (DOF), 8/21/01 (AGO) (DOF), 2/14/02 (AGO), 3/12/02 (DOF), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 4/14/04 (DOF), 9/21/04 (AGO), 9/28/04 (DOF), 2/15/05 (AGO) (DOF), 8/9/05 (AGO)

Date(s) of response letter(s) received : 6/16/97 (RMO), 2/24/98 (RMO), 7/19/00 (RMO), 11/17/00 (DOF), 11/21/00 (meeting with Coordinating Group on DOF), 11/27/00 (DOF), 3/9/01 (AGO), 9/18/01 (DOF), 2/12/02 (meeting with AGO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 9/1/05 (AGO)

**Recommendation I** : *Original:* The Secretary of Finance should require the current Director of RHC to return the amount of \$4,282.02 taken from the RHC funds.

*As Revised and Redirected to AGO:* Determine appropriate legal action to be taken to recover from the current Director of RHC the \$4,282.02 taken from RHC funds.

**Agency to Act** : Department of Finance - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : During the 11/21/00 meeting with the Coordinating Group, the DOF Secretary provided OPA a bill of collection dated 11/17/00 for \$4,982.02 sent to the current Director of RHC which consists of \$4,282.02 taken from RHC funds and \$700 reimbursement for the cost of the washing machine. On 11/27/00, DOF referred the matter to the AGO to possibly pursue collection through legal proceedings. In his 3/9/01 response, the Acting Attorney General requested a copy of the report for further review purposes.

During a meeting on 2/12/02, AGO informed OPA that the Statute of Limitations has passed regarding this recommendation. In a follow-up letter dated 2/14/02, OPA requested AGO to provide a letter documenting the applicability of the passing of statute of limitations to formally close this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.

In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all such cases until the CNMI Supreme Court rules to the contrary.

In his 10/25/04 response, the Acting Attorney General informed OPA that although this referral case was previously closed on 9/5/02, the AGO plans to contact OPA for verification of records.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information**

**or Action Required** : AGO should follow-up with OPA regarding the file and advise OPA of the results of legal action taken on this referral recommendation.

**Recommendation 2** : *Original:* The Secretary of Finance should deny the \$5,000 claim for repairs, and the \$4,000 amount claimed for a non-existent lease extension.

*As Revised and Redirected to AGO:* Determine whether this referral case should be pursued. If the AGO decides to pursue this case, the AGO should instruct the Resident Director of Finance to verify whether the \$5,000 claim for repairs and \$4,000 claim for a non-existent lease extension were paid out of the Rota Imprest Fund account. If the claims were indeed paid out of the Rota Imprest Fund account, the AGO should determine appropriate legal action to be taken to recover funds improperly paid.

**Agency to Act** : Department of Finance Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : The former Secretary of Finance provided OPA a copy of its 9/18/01 letter to the Acting Resident Director of DOF-Rota requesting assistance in verifying whether or not the \$5,000 claim for repairs and the \$4,000 claim for a non-existent lease extension were paid through the Rota Imprest Fund Account.

In his 4/12/02 response, the current Secretary of Finance informed OPA that his office has not received a response to its 9/18/01 letter to the Acting Resident Director of DOF-Rota. However, DOF has sent a follow-up letter to the Mayor requesting assistance on the matter.

On 3/18/05, the Secretary of Finance informed OPA that no response has been received from either the Resident Director of Finance or the Mayor of Rota. The Secretary of Finance further stated that DOF was unable to confirm whether or not the payments in question were made to the vendor nor confirm any information through the DOF financial management system since these transactions were initiated before the system change in 1997. The Secretary of Finance requested that OPA refer this matter to the AGO. On 6/2/05, OPA referred this matter to the AGO for their review and legal action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information**

**or Action Required** : AGO should inform OPA whether or not it plans to pursue this case. If AGO decides to pursue this case, AGO should instruct the Resident Director of Finance to verify whether the \$5,000 claim for repairs and \$4,000 claim for a non-existent lease extension were paid out of the Rota Imprest Fund account. If the claims were indeed paid out of the Rota Imprest Fund account, AGO should determine appropriate legal action to be taken to recover funds improperly paid.

**Recommendation 4** : *Original:* The Secretary of Finance should deny the claim of the Director of RHC for reimbursement of the cost of the washing machine.

*As Revised and Redirected to AGO:* Determine appropriate legal action to be taken to recover the \$700 reimbursement for the cost of the washing machine.

**Agency to Act** : Department of Finance - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : During the 11/21/00 meeting with the Coordinating Group, the DOF Secretary provided OPA a bill of collection dated 11/17/00 for \$4,982.02 sent to the current Director of RHC which consists of \$4,282.02 taken from RHC funds and \$700 reimbursement for the cost of the washing machine. On 11/27/00, DOF referred the matter to the AGO to possibly pursue collection through legal proceedings. In his 3/9/01 response, the Acting Attorney General requested a copy of the report for further review purposes.

During a meeting on 2/12/02, AGO informed OPA that the Statute of Limitations has passed on this recommendation. In a follow-up letter dated 2/14/02, OPA requested AGO to provide a letter documenting the applicability of the passing of statute of limitations to formally close this recommendation.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.

In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all such cases until the CNMI Supreme Court rules to the contrary.

In his 10/25/04 response, the Acting Attorney General informed OPA that although this referral case was closed on 9/5/02, the AGO plans to contact OPA for verification of records.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : AGO should follow-up with OPA regarding the file and advise OPA of the results of legal action taken on this referral recommendation.

**Report No. LT-99-06 issued August 18, 1999**  
**Audit of DPH's Granting of Unequal Salaries to**  
**Social Worker Employees**

Date(s) of followup letter(s) sent : 11/23/99 (DPH), 11/26/99 (OPM), 2/28/00 (OPM), 7/6/00 (DPH) (OPM), 1/30/01, 8/22/01, 3/8/02 (DPH), 8/9/02 (DPH), 2/13/03 (DPH), 8/4/03 (DPH), 4/13/04 (DPH), 9/28/04 (DPH), 2/15/05 (DPH), 8/9/05 (DPH)

Date(s) of response letter(s) received : 12/20/99 (OPM), 12/22/99 (DPH), 11/14/00 (meeting with Coordinating Group on DPH), 10/22/01 (DPH), 6/8/04 (DPH)

**Recommendation 3** : The Secretary of Public Health should ensure that DPH employees are compensated equitably. The salaries of the three social worker employees should be adjusted to reflect the appropriate salaries based on their qualifications and responsibilities.

*As Revised:* The Secretary of Public Health should review the salary structure of DPH and propose a revised salary structure for review by OPM and for approval by the Civil Service Commission (CSC).

**Agency to Act** : Department of Public Health

**Status** : Resolved - Delinquent

**Agency Response** : During the 11/14/00 meeting with the Coordinating Group, the DPH Secretary presented an alternative action to address this recommendation which is to revise the salary structure of DPH to address the salary inequity and DPH's concerns about attracting upcoming college graduates to work for the department. DPH will present a proposed salary structure for review by OPM and for approval by CSC. OPA agreed to this alternative action suggested by the DPH Secretary.

In his 10/22/01 response, the DPH Secretary informed OPA that the Director of the Community and Guidance Center has completed the proposed salary structure of social workers and submitted it to the CHC Human Resources for review. DPH will submit the proposed salary structure to CSC no later than 10/31/01. When approved by CSC, DPH will provide OPA a copy.

On 6/8/04, the Secretary of Public Health informed OPA that the DPH Community Guidance Center will present an alternative action to address their concerns to OPM which is to propose a new class reassignment for all social worker classes in order to attract up-coming graduates to work for DPH. DPH is hoping that OPM and CSC will support their proposal for a new class reassignment for all social worker classes for DPH. (Upon verification with OPM, a new class reassignment is similar to a revised salary structure which OPA had previously agreed to as an alternative action).

**Additional Information or Action Required** : The Secretary of Public Health should provide OPA a copy of the class reassignment for all DPH social worker classes approved by OPM and CSC.

## Department of Public Works

**Report No. AR-00-01 issued April 13, 2000**  
**Audit of the Land Survey Contract for the**  
**Tinian Road Resurfacing Project**  
**Fiscal Year 1997**

Date(s) of followup letter(s) sent : 7/3/00 (DPW), 7/12/00 (AGO), 7/13/00 (DOF), 1/17/01 (AGO), 8/21/01 (AGO), 2/14/02 (AGO), 8/12/02 (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 8/4/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 5/10/00 (DPW), 11/7/00 (meeting with Coordinating Group on AGO), 12/7/00 (meeting with Coordinating Group on DOF), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 9/1/05 (AGO)

**Recommendation 5** : *Original:* DOF should continue to take necessary steps to recover the \$164,534 improper payments made to the contractor, unless restitution to the CNMI Government is made in the Federal Court mail fraud case. Recovery efforts should be coordinated with the Attorney General's Office. In implementing this recommendation, recovery of the whole contract price of \$229,438 on the basis that the contract was invalid may be undertaken in lieu of the approach taken above where recovery would be based on the overpayments made to the contractor.

*As Redirected to AGO:* AGO should continue to take necessary steps to recover the \$164,534 improper payments made to the contractor, unless restitution to the CNMI Government is made in the Federal Court mail fraud case. Recovery efforts should be coordinated with the Attorney General's Office. In implementing this recommendation, recovery of the whole contract price of \$229,438 on the basis that the contract was invalid may be undertaken in lieu of the approach taken above where recovery would be based on the overpayments made to the contractor.

*As revised:* AGO should provide OPA documents showing recovery of the \$100,000 in restitution imposed by the United States District Court's sentence imposed on the contractor.

**Agency to Act** : Department of Finance - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : The DOF Secretary requested AGO's assistance in getting information on the Federal Court case involving the contract. The DOF Secretary stated that her office will proceed with the recommendation after the Federal Court's decision.

During the 12/7/00 meeting with the Coordinating Group, it was agreed that this recommendation should be redirected to the AGO. In its 3/9/01 response, the Acting Attorney General stated that no further action will be taken on this matter. Contact has been made with the United States Probation Department requesting that restitution from the contractor be ordered at sentencing.

During the 2/12/02 meeting, AGO informed OPA that it had already requested the United States Probation Department to recommend that restitution be required from the contractor and that it is awaiting sentencing decision.



On 4/2/02, the United States (US) District Court's sentence imposed on the contractor was 8 months imprisonment and restitution of \$100,000.

In his response dated 9/15/03, the Acting Attorney General stated that this case was assigned to an Assistant Attorney General on 5/21/03 and is pending further legal analysis.

In his response dated 10/25/04, the Acting Attorney General stated that the enforcement of the federal court order of restitution should be the responsibility of the U.S. Attorney's Office. Accordingly, the AGO plans to request enforcement by that office.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required** :

AGO should inform OPA of the results of its request to enforce payment of the restitution ordered by the federal court.

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# Municipality of Tinian

## Report No. LT-95-06 issued November 1, 1995 Investigation of a Motor Vehicle Leased by the Tinian Mayor's Office

Date(s) of followup letter(s) sent : 7/16/96, 11/29/96, 12/3/96, 2/02/98, 9/17/98, 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05

Date(s) of response letter(s) received : 11/21/00 (meeting with Coordinating Group on DOF), 10/01/01, 3/27/02 (DOF request for extension), 4/12/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05

**Recommendation 2** : The Secretary of Finance should designate responsibility to a specific DOF office for implementing government vehicle regulations, developing specific procedures for confiscating vehicles, and bringing disciplinary actions against offending officials or employees.

**Agency to Act** : Department of Finance

**Status** : Resolved - Delinquent

**Agency Response** : The provisions of Government Vehicle Regulations No. 1101 Section 11 (e) as adopted by the Department of Finance in the Commonwealth Register on 4/15/93 state that the Secretary of Finance shall have the authority to revoke the employee's CNMI government vehicle permit, immediately confiscate the vehicle in question, bring disciplinary action against the offending official or employee, or refer the matter to the Attorney General or Department of Public Safety for further investigation.

In his 4/12/02 response, the Secretary of Finance informed OPA that revisions to the amended Government Vehicle Regulations are near completion and a copy will be provided to OPA upon their adoption.

In his 3/18/05 response, the Secretary of Finance informed OPA that DOF is currently reviewing the proposed amendments to the regulations. The Director of Procurement and Supply had requested for an additional 30 days to conduct further review with the assistance of the Attorney General's Office. The Secretary of Finance stated that they will have the amended regulations published in the April 2005 Commonwealth Register and have the amendments adopted in May 2005.

**Additional Information or Action Required** : DOF should provide OPA a copy of the revised Government Vehicle Regulations upon its adoption.

**Report No. AR-96-01 issued January 31, 1996**  
**Office of the Mayor**  
**Audit Operations**  
**For Fiscal Years Ended September 30, 1990 to 1993**

Date(s) of followup letter(s) sent : 3/28/96, 11/25/96, 2/02/98, 9/17/98, 11/23/99, 7/13/00, 1/19/01, 8/21/01, 3/12/02, 8/12/02, 2/18/03, 8/4/03, 4/14/04, 9/28/04, 2/15/05, 8/8/05

Date(s) of response letter(s) received : 6/11/97, 9/27/00, 9/22/99, 11/21/00 (meeting with Coordinating Group on DOF), 3/27/02 (DOF request for extension), 4/12/02 (DOF request for extension), 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05

**Recommendation 7** : The Secretary of Finance should direct the head of the Tinian Procurement Office to maintain an updated record of capital assets. On a regular basis, the Tinian Procurement Office should conduct an inventory to establish the physical existence, condition and location of fixed assets. It should also compare its record of assets with the inventory and take appropriate action with respect to any differences. Any missing item should be properly accounted for by the concerned agency.

**Agency to Act** : Department of Finance

**Status** : Resolved - Delinquent

**Agency Response** : During the 11/21/00 meeting with the Coordinating Group, the Procurement and Supply (P&S) Director agreed to issue a memorandum to the Tinian Procurement Office and even to the Rota Procurement Office directing them to conduct their own annual inventory. In the 10/1/01 response from DOF, there was no indication of any action taken on this recommendation.

On 4/12/02, the current Secretary of Finance responded that his office has requested copies of the inventory results from Rota and Tinian for DOF to provide to OPA.

On 3/18/05, the Secretary of Finance provided OPA a copy of the new CNMI Property Management Policies and Procedures dated 1/8/03 which states that capital inventories shall be conducted on an annual basis. Based on the new policies and procedures, the inventory results for 2004 is due on March 23, 2005. OPA was also provided a copy of the memorandum from the Secretary of Finance addressed to the Supply Representatives for Tinian and Rota dated 3/14/05 requesting for their office inventory listing of all CNMI government property assigned under each department and agency in their respective area no later than March 23, 2005. The Property Management Branch will schedule a physical inventory verification once the listing has been received and compiled. DOF will be providing OPA with the inventory results once completed.

**Additional Information or Action Required** : The P&S Director should provide OPA a copy of the inventory results and actions taken.

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## CNMI-Wide Audits

### Report No. AR-97-05 issued March 20, 1997 Audit of the Executive Branch of the CNMI Government's Professional Services Contracts from October 1991 to July 1995

Date(s) of followup letter(s) sent : 7/9/97, 2/02/98, 9/17/98 (AGO) (DOF) (GOV), 9/22/98 (OMB), 11/23/99 (DOF) (GOV), 11/26/99 (OMB), 1/26/99 (AGO), 1/15/00 (AGO), 7/11/00 (OMB), 7/12/00 (AGO), 7/13/00 (DOF), 1/17/01 (AGO), 1/19/01 (DOF), 1/23/01 (OMB), 8/21/01 (DOF), 8/22/01 (OMB), 3/8/02 (OMB), 3/12/02 (DOF), 8/9/02 (OMB), 8/12/02 (DOF), 2/12/03 (OMB), 2/18/03 (DOF), 8/4/03 (DOF), 4/14/04 (DOF), 9/28/04 (DOF), 2/15/05 (DOF), 8/8/05 (DOF)

Date(s) of response letter(s) received : 2/6/98 (OMB), 1/20/00 (AGO), 11/9/00 (DOF), 11/21/00 (meeting with Coordinating Group on DOF), 3/9/01 (AGO), 9/13/01 (meeting with OMB), 9/20/01 (OMB), 5/01 (DOF), 10/1/01 (DOF), 10/19/01 (OMB), 2/12/02 (meeting with AGO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 2/26/03 (OMB), 3/17/03 (DOF request for extension), 6/3/03 (OMB), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 3/22/05 (DOF)

**Recommendation 3** : The Contracting Officers should recover payments (including interest) made to contractors whom we identified as having been paid without performing their work, and refer those who refuse to pay to the AGO for legal action.

**Agency to Act** : Department of Finance - Treasury for Contact C40113, C50108

**Status** : Resolved - Delinquent

**Agency Response** : On 1/14/00, AGO and the Director of Procurement and Supply met with the contractor which resulted in the contractor agreeing to repay the Commonwealth \$96,100. The contractor signed a promissory note with the AGO for monthly payments of \$300 to the CNMI Treasury beginning 2/15/00.

During the 2/12/02 meeting, AGO informed OPA that the contractor in this matter remains in compliance with the settlement promissory note and therefore AGO just needs to continue to monitor compliance.

On 3/22/05, the Secretary of Finance informed OPA that total payments made on the promissory note to date amounted to \$12,000 leaving a balance of \$84,100 still to be recovered. OPA was provided a copy of the memorandum from the Secretary of Finance to the Attorney General dated 3/22/05 updating them on the status of payments made by the former contractor. The Attorney General was informed that pursuant to the settlement agreement, the former contractor is 22 months behind with his payments as of March 2005.

**Additional Information or Action Required** : *For Contract Nos. C40113 and C50108 - Until full amount has been paid, DOF-Treasury should continuously provide OPA evidence (i.e., official receipts) of collections from the contractors which pay directly to the CNMI Treasury. DOF should also update OPA on the results of its recent communication with the Attorney Generals Office regarding the former contractor's non-compliance with the promissory note.*

**Recommendation 8** : The Secretary of Finance should issue a memorandum instructing the DOF - Accounting Section to recover or offset from future payments the \$15,079 in overpayments to contractors.

**Agency to Act** : Department of Finance

**Status** : Resolved - Delinquent

**Agency Response** : In the 10/1/01 response from DOF, the Secretary of Finance stated that \$7,559 (for Contract no. C50083) of the \$15,079 in total overpayment has already been settled and that supporting documents regarding the settlement were provided to OPA. For the others in question which include \$1,020 (for Contract no. C50132) and \$6,500 (for Contract no. C50208), DOF requested that AGO initiate a recovery action, given the length of time involved and the improbability of a reply from both contractors.

In his 4/12/02 response, the Secretary of Finance provided OPA a copy of a memorandum requesting the Acting Director of Finance and Accounting to review the records pertaining to the payments in question and to issue a demand for payment immediately.

In his letter dated 3/18/05, the Secretary of Finance informed OPA that after their review of the files, DOF was unable to confirm whether bills were sent out to two contractors. DOF will gather all the required documents to include with the bills for collection and provide OPA a copy. DOF will also refer the matter to the AGO for collection.

**Additional Information  
or Action Required** :

DOF should provide OPA with the documents evidencing settlement of the \$7,559 (for Contract no. C50083). DOF should also provide OPA a copy of the bills for collection to recover the overpayment of \$1,020 (for Contract no. C50132) and \$6,500 (for Contract no. C50208) and a copy of the referral letter to the AGO as basis for redirecting the recommendation.

**Report No. AR-99-04 issued October 28, 1999  
Executive Branch of the CNMI Government  
Audit of Professional Service Contracts  
From October 1, 1995 to May 4, 1998**

Date(s) of followup letter(s) sent : 11/23/99 (DOF), 11/26/99 (TMO), 1/5/00 (AGO), 7/12/00 (AGO), 7/13/00 (DOF), 1/17/01 (AGO), 1/19/01 (DOF), 8/21/01 (DOF) (AGO), 2/14/02 (AGO), 3/12/02 (DOF), 8/12/02 (DOF) (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 2/18/03 (DOF), 8/4/03 (DOF) (AGO), 4/14/04 (DOF), 9/28/04 (DOF), 2/15/05 (DOF), 8/9/05 (AGO)

Date(s) of response letter(s) received : 1/12/00 (GOV), 1/20/00 (AGO), 2/18/00 (DOF), 11/7/00 (meeting with Coordinating Group on AGO), 11/9/00 (DOF), 11/19/00 (DOF), 11/21/00 (meeting with Coordinating Group on DOF), 1/14/01 (DOF), 3/9/01 (AGO), 5/01 (DOF), 10/01/01 (DOF), 2/12/02 (meeting with AGO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 3/17/03 (DOF request for extension), 9/15/03 (AGO), 10/21/03 (AGO), 10/22/03 (AGO), 3/7/05 (DOF request for extension), 3/18/05 (DOF), 9/1/05 (AGO)

**Recommendation 7** : *Original:* Issue a memorandum instructing the DOF - Accounting Section to recover the nearly \$1.49 million in overpayments by requesting contractors to return the amounts overpaid. Of these amounts, \$87,096.02 is immediately recoverable and \$1,400,955.91 is recoverable unless adequately supported by the contractors. If a contractor refuses to cooperate or repay the funds, the matter should be referred to the AGO for legal action.

Of the \$87,096.02 which is immediately recoverable: \$61,794.07 has already been recovered (C50305, C60114 and C60142); \$6,000 will not be pursued (C60334); and \$11,000 has been redirected to the AGO leaving a balance of \$8,301.95 immediately recoverable [\$1,320.94 for C60196, \$2,426.25 for C70156, \$3,619.66 for C50388, and \$935 for C60355].

Of the \$1,400,955.91 recoverable unless adequately supported, \$94,156.41 was substantiated by invoices and receipts by the contractor for C60114 and C50305 leaving a balance of \$1,306,799.50 still recoverable unless adequately supported [\$1,199,316.56 for C50388 and 31075-OC; \$65,182.12 for C60323, C60373, C70091, C70179 and 300082-OC; and \$42,300.82 for C60196].

(Note: No further action required for contract nos. C50305, C60114, C60142, C70180, C70149, C60334).

*As Revised and Redirected to AGO:* Determine appropriate legal action to be taken to recover the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported.

**Agency to Act** : Department of Finance Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : On 1/4/01, DOF provided OPA with copies of bills for collection dated 9/1/99 for the following contracts: Contract No. C60196 for \$1,320.94; Contract No. C70156 for \$2,426.25; Contract No. C50388 for \$1,619.66 (additional billing for \$2,000 still to be provided).

In the 10/1/01 response by DOF, the Secretary of Finance stated that the contractor for Contract no. C60355 has a claim against the CNMI for \$18,000. The CNMI refuses to pay the contractor's claim for lack of a change order. DOF is planning to charge the \$935 against the amount claimed by the contractor. For Contract no. C50388, DOF claims that the additional billing of \$2,000 to be provided to OPA is already included in the \$1.4 million which is separately recoverable. OPA looked into DOF's claim and ascertained that the \$2,000 was not included in the \$1.4 million. In addition, DOF is verifying all documents which were identified in the \$1.4 million as recoverable unless adequately supported. DOF provided OPA letters to three contractors requesting supporting documents for invoice under Contract nos. C50388, C31075, C60323, C60373, C70091, C70179, 300082-OC and C60196. DOF will inform OPA of any responses.

In his 4/12/02 response, the Secretary of Finance informed OPA that DOF has sent out notices to four contractors. One contractor responded. Two of the notices were returned undelivered and one contractor replied asking for a more reasonable request given the amount of information and length of time that has elapsed.

On 3/18/05, the Secretary of Finance provided OPA a copy of the invoices and receipts to substantiate payments made for C60114 and C50305 totaling \$94,156.41. Therefore, of the \$1,400,955.91 that is recoverable unless adequately supported, \$1,306,799.50 from three contractors remain to be recovered. The Secretary of Finance is requesting that OPA refer the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported to AGO given the time lapsed since the issuance of the bills for collections and letters requesting for supporting documents from the contractors with no response to date. On 6/2/05, OPA referred this matter to the AGO for their review and legal action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.



**Additional Information**

**or Action Required :** AGO should inform OPA of the results of legal actions taken to pursue collection of the remaining \$8,301.95 that is immediately recoverable and the remaining \$1,306,799.50 that is recoverable unless adequately supported.

**Report No. AR-98-02 issued May 26, 1998**  
**Review of CNMI's Compliance with**  
**Government Vehicle Act and Regulations**  
**March 1995 to March 1997**

Date(s) of followup letter(s) sent : 9/9/98 (DLNR) (CDA) (DPW) (PDO) (SMO), 9/17/98 (DOF) (GOV), 9/18/98 (DLI) (SAA) (DCCA) (DPS) (WRO) (SENATE) (HOUSEREP) (LEGBUREAU) (TMC) (BOE) (BOELEC) (CPA) (CUC) (NMIRF) (TCGCC) (LIBCOUNCIL), 9/21/98 (EMO) (DOC) (DPH) (SPMC) (SPRC) (TMO) (RMO) (NIMO) (SMC) (RMC) (CSC) (NMC) (MVB), 9/22/98 (OMB), 10/16/98 (TMO) (CSC), 10/28/98 (TMO) 4/22/99 (EMO), 7/19/99 (DPS), 11/22/99 (BOE) (BOELEC) (CUC) (DCCA) (DLI), 11/23/99 (CPA) (DOC) (DOF) (DPH) (DPS) (EMO) (GOV) (HOUSEREP) (LEGBUREAU) (LIBCOUNCIL), 11/24/99 (MVA) (NIMO) (NMC), 11/26/99 (OMB), (NMIRF), 11/29/99 (RMC), (RMO), (SPMC), (SPRC), (SMC), (SAA), (SENATE), (TCGCC), (TMC) (WRO), 1/17/00 (NMIRF), 7/3/00 (GOV), 7/6/00 (EMO) (LEG) (MVA) (RMO) (DCCA), 7/11/00 (BOE) (CPA) (CUC) (DLI) (LIBCOUNCIL) (NIMO) (RMC) (SENATE) (SPMC) (SPRC) (TMC) (WRO), 7/13/00 (DOF), 9/5/00 (NIMO), 7/00 (Verbal follow-ups made through the telephone), 9/6/00 (TMC) (LIBCOUNCIL) (SPMC), 1/16/01 (BOE), 1/17/01 (CPA), 1/18/01 (CUC) (DLI) (EMO) (RMC), 1/19/01 (DOF) (LEGBUREAU), 1/23/01 (SENATE), 1/24/01 (WRO), 1/30/01 (SPRC), 1/31/01 (RMO), 8/20/01 (CPA) (CUC), 8/21/01 (DOF) (RMC), 8/22/01 (LEGBUREAU) (WRO) (EMO) (SENATE) (BOE), 8/23/01 (DLI), 3/4/02 (EMO) (WRO), 3/5/02 (BOE) (SENATE), 3/12/02 (DOF), 8/9/02 (WRO), 8/12/02 (DOF), 2/18/03 (DOF), 8/4/03 (DOF), 4/14/04 (DOF), 9/28/04 (DOF), 2/15/05 (DOF), 8/8/05 (DOF)

Date(s) of response letter(s) received : 5/28/98 (DLI) 5/11/98 06/1/98 (DLNR), 6/04/98 (CDA), 6/29/98 (DPW), 7/1/98 (DCCA), 7/31/98 (PDO), 8/24/98 (SMO), 10/1/98 (TMO), 10/6/98 (CSC), 10/8/98 (DCCA), 10/13/98 (HOUSEREP), 10/15/98 (SAA), 10/21/98 (TMO), 11/6/98 (HOUSEREP), 2/25/99 (DPH), 4/7/99 (EMO), 4/8/99 (NIMO), 4/14/99 (TCGCC), 4/26/99 (DOC), 6/30/99 (DPS), 11/24/99 (BOE), 12/1/99 (NMIRF) (NMC), 12/3/99 (SPMC), 12/6/99 (OMB), 1/3/00 (SMC), 1/12/00 (GOV) 1/20/00 (NMIRF), 7/14/00 (SPMC), 7/16/00 (LIBCOUNCIL), 7/19/00 (NIMO) (RMO), 7/20/00 (TMC), 8/25/00 (MVA), 9/29/00 (DOF), 12/7/00 (meeting with Coordinating Group on DOF), 2/8/01 (RMO), 2/21/01 (SPRC), 8/29/01 (DLI), 8/30/01 (LEGBUREAU), 9/4/01 (meeting with EMO), 9/2/01 (RMC), 9/27/01 (CUC), 9/25/01 (WRO), 10/01/01 (DOF), 10/12/01 (CPA), 3/15/02 (SENATE), 3/20/02 (BOE) (EMO) (WRO), 3/27/02 (DOF request for extension), 4/12/02 (DOF), 8/21/02 (WRO), 8/23/02 (WRO), 8/26/02 (WRO), 8/30/02 (WRO), 3/17/03 (DOF request for extension), 3/7/05 (DOF), 3/18/05 (DOF)

- Recommendation 2** : The Secretary of Finance should instruct the Director of Procurement and Supply to:
- a) Develop written procedures for marking of government vehicles (except law enforcement vehicles and vehicles used by elected officials). Among other things, the written procedures should specify 1) the period when markings should be made (e.g., within a specified time frame after vehicle has been delivered by vendor); 2) the information to be included in the markings, such as the agency name, and if the vehicle is government-owned, the property number as well; 3) the exact size of the markings that will allow them to be visible and readable even when the vehicle is in motion; 4) the exact placement of the markings on the door; and 5) the material to be used for marking.
- (**Note:** The marking should show the agency's full name and not just the acronym or the first letters of the agency's name. Use of full name instead of acronym readily identifies the agency accountable for the vehicle, and prevents mistaking one agency for another that has the same acronym.)
- b) Maintain updated government vehicle inventory listings and conduct periodic inventories of all government vehicles on Saipan, Rota, and Tinian.
  - c) Revise the standard vehicle specifications and features guidelines issued by the Procurement and Supply Division to emphasize that procurement of vehicles with factory-tinted windows is prohibited by statute. Reject purchase requisitions made by any government agency to procure vehicles that do not conform to the standard vehicle specifications and features guidelines.
- Agency to Act** : Department of Finance - Procurement & Supply
- Status** : Resolved - Delinquent
- Agency Response** : In the 10/1/01 response from DOF, the Secretary of Finance stated that DOF is currently updating the vehicle regulations to include items (a) and (c) of Recommendation 2. OPA was provided the initial draft copy of the regulations. In addition, DOF provided OPA a government vehicle inventory listing as of January 2001 which addressed item (b) of the recommendation.
- In his 4/12/02 response, the Secretary of Finance informed OPA that revisions to the amended Government Vehicle Regulations are near completion, and a copy will be provided to OPA upon their adoption.
- In his 3/18/05 response, the Secretary of Finance informed OPA that DOF is currently reviewing the proposed amendments to the regulations. The Director of Procurement and Supply had requested for an additional 30 days to conduct further review with the assistance of the Attorney General's Office. The Secretary of Finance stated that they will have the amended regulations published in the April 2005 Commonwealth Register and have the amendments adopted in May 2005.
- Additional Information or Action Required** : DOF should provide OPA a copy of the revised Government Vehicle Regulations upon their adoption.

**Report No. LT-00-01 issued February 16, 2000**  
**Compilation of CNMI Government-Paid Travel**  
**For Fiscal Year 1997**

Date(s) of followup letter(s) sent : 2/16/00 (CDA), 7/3/00 (CDA), 7/6/00 (NMIRF) (HOUSEREP), 7/11/00 (CPA)(CUC)(GOV)(SENATE)(NMC), 1/17/01 (CPA), 1/18/01 (CUC) (NMC), 1/19/01 (NMIRF), 1/23/01 (HOUSEREP) (SENATE), 1/30/01 (GOV), 8/20/01 (CPA) (NMC) (CUC), 8/21/01 (NMIRF), 8/22/01 (Legislature) (GOV) (SENATE), 3/4/02 (CUC) (GOV) (HOUSEREP) (NMC), 3/5/02 (NMIRF) (SENATE), 8/9/02 (NMIRF), 8/12/02 (NMC) (CUC) (GOV), 2/12/03 (GOV), 2/18/03 (NMIRF), 8/4/03 (GOV) (NMIRF), 4/13/04 (GOV), 9/28/04 (GOV), 2/15/05 (GOV), 8/9/05 (AGO)

Date(s) of response letter(s) received : 2/16/00 (CDA), 2/17/00 (NMIRF), 9/27/01 (CUC), 10/4/01 (NMIRF letter of request for extension to respond until 11/3/01), 10/12/01 (CPA), 3/11/02 (HOUSEREP), 3/15/02 (SENATE), 8/13/02 (NMC), 9/5/02 (CUC), 7/22/03 (NMIRF), 9/1/05 (AGO)

**Recommendation 2** : Strictly enforce the requirement of not granting requested new travel advances to travelers with unliquidated travel advances, and the required sanction of payroll deduction for travelers who failed to timely file TVs. Travelers such as board members who are not part of the government payroll should be required to immediately repay the advances when a complete TV is not timely filed.

**Agency to Act** : Office of the Governor

**Status** : Open - Delinquent

**Agency Response** : The former Governor's response upon completion of the audit did not reemphasize the requirement of not granting requested new travel advances to travelers with unliquidated travel advances.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : Provide OPA copies of the written instruction to the person in charge of issuing and liquidating travel advances regarding strict enforcement of the requirement of not granting requested new travel advances to travelers with unliquidated travel advances.

**Report No. AR-05-01 issued March 3, 2005**  
**Audit of the Security of CNMI Government Funds**  
**Deposited in Banks and Financial Institutions**

Date(s) of followup letter(s) sent :

Date(s) of response letter(s) received :

**Recommendation 1** : The Secretary of Finance should adopt regulations to “interpret, execute and enforce” the Government Deposit Safety Act, including defining and clarifying what items constitute “obligations and securities backed by the CNMI government.”

**Agency to Act** : Department of Finance

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : DOF should inform OPA of actions taken to adopt regulations to “interpret, execute and enforce” the Government Deposit Safety Act, including defining and clarifying what items constitute “obligations and securities backed by the CNMI government.”

**Recommendation 2** : The Commonwealth Development Authority should adopt policies and procedures and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Commonwealth Development Authority

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The CDA should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

**Recommendation 3** : The Commonwealth Government Employees' Credit Union should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Commonwealth Government Employees' Credit Union

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The CGECU should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

**Recommendation 4** : The Commonwealth Ports Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Commonwealth Ports Authority

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The CPA should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 5** : The Commonwealth Utilities Corporation should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Commonwealth Utilities Corporation

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The CUC should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 6** : The Marianas Public Lands Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Marianas Public Lands Authority

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The MPLA should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 7** : The Marianas Public Land Trust should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Marianas Public Land Trust

**Status** : Open - Active

**Agency Response** : In his letter response dated 2/11/05, the Executive Director stated that since there were no specific findings relating to MPLT, it is difficult to respond to the recommendation by way of concurrence or specific courses of action. Additionally, the Executive Director stated that it is the policy of the MPLT Board of Directors to maintain its checking account or any other depository account with an FDIC bank. Furthermore, he stated that it is their Constitutional function to invest the principal and income funds of the Trust and is done so through well-established and generally accepted Investment Fiduciary Practices. He added that they maintain an Investment Policy Statement which guides their investment of public funds.

*OPA response:* The scope of this audit only included readily available cash accounts (e.g., checking, savings, and time certificate of deposit) of CNMI Government agencies/corporations. As such, MPLT's investment portfolio was not part of the audit.

**Additional Information or Action Required** : The MPLT should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 8** : The Marianas Visitors Authority should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Marianas Visitors Authority

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The MVA should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 9** : The Northern Mariana Islands Retirement Fund should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Northern Mariana Islands Retirement Fund

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The NMIRF should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 10** : The Northern Marianas College should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Northern Marianas College

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The NMC should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 11** : The Northern Marianas Housing Corporation should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Northern Marianas Housing Corporation

**Status** : Open - Active

**Agency Response** : In her letter response dated 3/7/05, NMHC Executive Director informed OPA that they currently do not have any monies deposited in non-FDIC insured banks or institutions. In a telephone conversation with their Chief Accountant, OPA was informed that their legal counsel is currently working on their policies and procedures regarding this issue and that a copy will be made available to OPA as soon as it is finalized. OPA informed him that until such time that a copy is provided, this recommendation will remain open.

**Additional Information or Action Required** : The NMHC should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 12** : The Public School System should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Public School System

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The PSS should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 13** : The Tinian Mayor's Office should adopt policies and procedures, and/or regulations to address the issue of the security of public funds.

**Agency to Act** : Tinian Mayor's Office

**Status** : Open - Active

**Agency Response** : No response to date.

**Additional Information or Action Required** : The TMO should provide OPA with a copy of the policies and procedures, and/or regulations to address the issue of the security of public funds.

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**Recommendation 14** : The Department of Commerce should implement a system to monitor all securities pledged by banks as collateral for all CNMI Government deposits, or seek legislative amendment to designate or transfer such responsibility to another capable government office or agency.

**Agency to Act** : Department of Commerce

**Status** : Open - Active

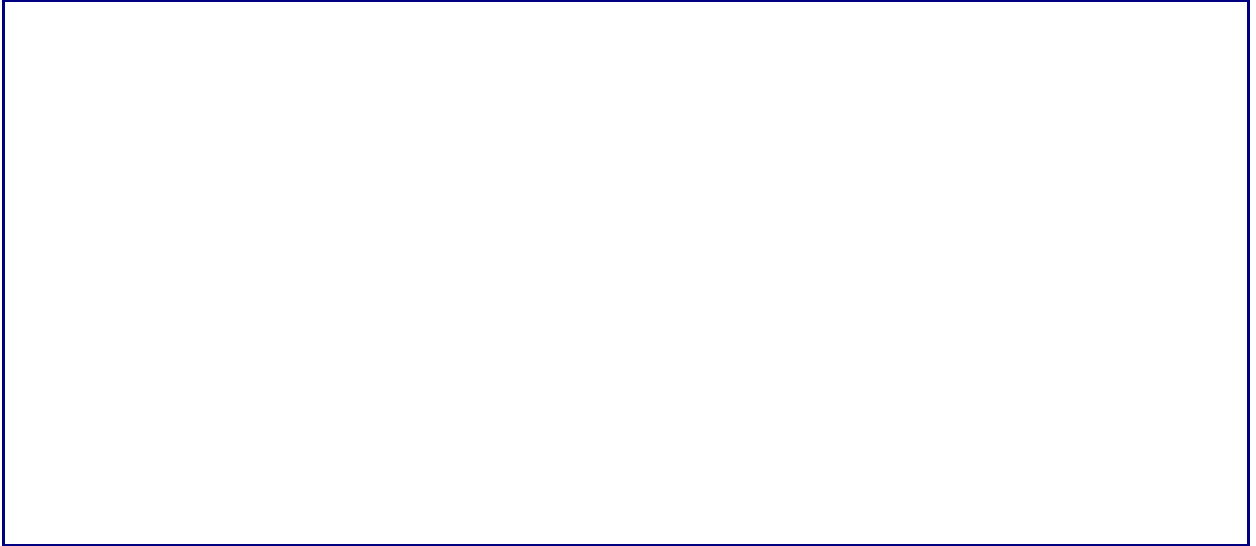
**Agency Response** : No response to date.

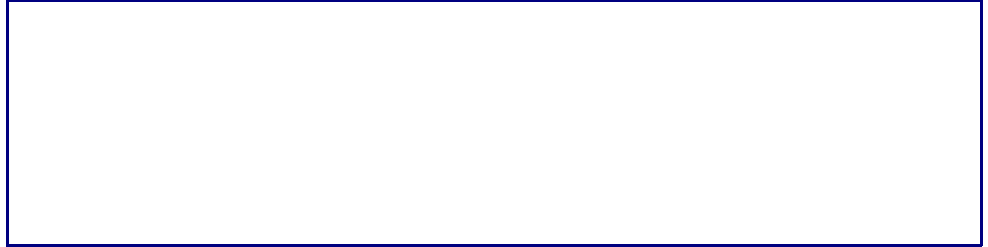
**Additional Information or Action Required** : The Department of Commerce should inform OPA of steps taken to monitor all securities pledged by banks as collateral for all CNMI Government deposits.

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# Commonwealth Ports Authority

## Report No. AR-95-17 issued October 2, 1995 Audit of Board-Related Transactions and Purchase of Vehicles for the Department of Public Works

Date(s) of followup letter(s) sent : 11/20/95, 3/7/96, 12/5/96, 2/02/98, 9/18/98, 11/22/99, 7/11/00, 1/17/01, 8/20/01, 3/5/02, 8/9/02, 10/3/02 (AGO), 2/14/03 (AGO), 8/4/03 (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO) 8/9/05 (AGO)

Date(s) of response letter(s) received : 3/27/96, 12/24/96, 3/27/99, 10/12/01, 1/29/02, 8/21/02 (CPA request for extension), 8/30/02, 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 9/1/05 (AGO)

**Recommendation 2** : *Original:* The CPA Board Chairman should recover the \$42,191 in improper reimbursements from the board members unless they can specifically identify the expenses as CPA official business and/or present supporting documents.

*As Revised and Redirected to AGO:* Determine appropriate legal action to be taken to pursue collection from the board members of the remaining balance of \$40,131 which was improperly reimbursed.

**Agency to Act** : Commonwealth Ports Authority - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : In his letter response dated 3/27/96, the former Board Chairman stated that out of the \$42,191 improper reimbursements, \$2,060 has been repaid (\$808.60 was offset against travel receivables and \$1,251.60 was directly paid to CPA), leaving a balance of \$40,131 still collectible.

On 10/21/01, the CPA Executive Director informed OPA that this matter was referred to AGO for review and action. AGO has yet to issue a determination on whether the recommendation should be pursued in court. CPA suggested that OPA ask AGO for a response in this matter.

In his response dated 8/30/02, the CPA Executive Director provided OPA with a copy of its referral letter to AGO dated 12/24/96.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral and requested the Acting Attorney General to review the matter on this case and determine (1) whether the statute of limitations bars an action, and (2) if it is a matter that the AGO will pursue. On 10/31/03, the Acting Attorney General informed OPA that the CNMI's claim in this matter is potentially in the public interest, thereby removing the statute of limitations as a defense in this case insofar as civil liability is concerned. He further stated that AGO will further evaluate whether a viable suit exists. Based on the 10/31/03 response, OPA will forward to the AGO the file on this referral case for further evaluation.

In his 4/30/04 response, the Deputy Attorney General stated that AGO has adopted a policy to pursue all collection cases involving money owed to the government "in the public interest" until the CNMI Supreme Court rules to the contrary.

In her 9/1/05 response, the Attorney General stated that they are still unable to locate the original file on this referral case.

**Additional Information**

**or Action Required :** AGO should inform OPA of the results of legal action taken to pursue collection from the board members for the remaining balance of \$40,131 which was improperly reimbursed.

**Report No. AR-00-03 issued July 20, 2000**

**Commonwealth Ports Authority**

**Audit of the Compensatory Time Claimed and Retirement Benefits**

**Paid to Two Former Officials of the CPA**

Date(s) of followup letter(s) sent : 1/17/01 (CPA), 1/19/01 (NMIRF), 8/20/01 (CPA), 8/21/01 (NMIRF), 3/5/02 (CPA) (NMIRF), 8/9/02 (CPA) (NMIRF), 8/12/02 (AGO), 10/3/02 (AGO), 12/24/02 (AGO), 2/14/03 (AGO) (CPA), 2/18/03 (NMIRF), 8/4/03 (NMIRF) (AGO), 4/13/04 (AGO), 4/16/04 (NMIRF), 9/21/04 (AGO), 9/28/04 (NMIRF), 2/15/05 (AGO) (NMIRF), 8/9/05 (AGO) (NMIRF)

Date(s) of response letter(s) received : 8/31/01 (meeting with CPA), 10/4/01 (NMIRF letter of request for extension to respond until 11/3/01), 10/12/01 (CPA), 1/29/01, 2/12/02 (meeting with AGO), 8/12/02 (CPA request for extension), 8/30/02 (CPA), 9/25/02 (CPA), 4/2/03 (NMIRF), 7/22/03 (NMIRF), 9/15/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 3/22/05 (NMIRF), 9/1/05 (AGO)

**Recommendation I :** *Original:* The CPA Board of Directors should adopt personnel rules and regulations that are: (a) within the authority granted by the Commonwealth Ports Authority Act and other CNMI laws such as the Compensation Adjustment Act, (b) consistent with and governed by the same principals of fairness and equality as the CNMI Personnel Regulations, thereby eliminating authorization for FLSA-exempt (executive, administrative and professional) officials and employees to earn comptime, and the granting to six designated officials of 14 annual leave hours per pay period, or 360 hours per year.

As Redirected: The AGO should review the opinion provided by OPA regarding granting six designated officials 14 annual leave hours per pay period and take legal action if determined necessary.

**Agency to Act :** Commonwealth Ports Authority - Redirected to Attorney General's Office

**Status :** Open - Active

**Agency Response :** In his letter response dated 5/12/00, the CPA Board Chairman disagreed with Recommendation 1. He believed that CPA is not required or obliged to adopt rules and regulations similar or identical to the CNMI Personnel Regulations. He also stated that CPA's system of compensation is generally commensurate with the rest of the Commonwealth government. He further said that the granting of 14 hours annual leave per pay period to designated officials is a matter of personnel policy.

In his 10/12/01 response, the CPA Executive Director also disagreed with OPA's conclusion that CPA required to adopt personnel rules and regulations that are similar, if not identical, to the CNMI's PSSRR. He stated that matters involving CPA personnel regulations, policies and benefits are strictly for the CPA board to decide. The Executive Director, suggest that the legislature could always review the matter and make recommendations to CPA to enact remedial legislation.

In the proposed CPA Personnel Rules and Regulations, the CPA Executive Director has proposed provisions enumerated under Sections 3.05 and 3.07 which addressed OPA's recommendation of eliminating the grant to FLSA-exempt officials and employees to earn overtime or comptime. Also, Section 5.02 of the proposed Personnel Rules and Regulations states that "Employees shall accumulate annual leave at the same rate as such leave time would be accumulated by employees of the Government of the Commonwealth of the Northern Mariana Islands." However, upon inquiry to the CPA Office Manager, OPA learned that CPA still granted the 14 annual leave hours for the last personnel contract executed. The proposed Personnel Rules and Regulations were published in the Commonwealth Register on January 29, 2002 for review and comments by interested parties until February 29, 2002.

In his response dated 8/30/02, the CPA Executive Director informed OPA that CPA's Personnel Rules and Regulations were adopted on August 8, 2002 and were published in the Commonwealth Register. He also stated that CPA's Personnel Rules and Regulations are similar to the PSSRR in terms of personnel regulations, benefits and policies', however, the CPA Board decided to continue the accrual of 14 hours annual leave bi-weekly for several of its key management employees. On 9/16/02, OPA requested CPA for additional information on the matter.

Based on additional information CPA provided to OPA on 9/25/02, OPA conducted an analysis of the various CPA positions that are currently receiving the 14 hours annual leave benefit per pay period. Based on the analysis, OPA concluded that the positions of the deputy director, deputy comptroller, and the staff engineer may not be entitled to 14 hours annual leave per pay period because they are not encompassed in the exception provided by 2 CMC §2122(n) and are not considered to be "specialists for which no comparable position exist in the Commonwealth". Thus, the compensation, wages, and salary scales of these positions "shall be commensurate with those paid by the Commonwealth requiring comparable education, training, or experience." Based on the analysis, OPA also concluded that while certain positions such as the executive director, comptroller and ports managers, are able to receive compensations non-commensurate "with those paid by the Commonwealth requiring comparable education", OPA maintains its concerns regarding the extension of such generous leave benefits and whether such compensation is truly "reasonable related to the operations of the government" as set forth in Article X, Section 1 of the NMI Constitution, Public Laws 12-2 and 11-84. On 12/24/02, OPA forwarded this information to the AGO for review of the legal issues identified and action if determined necessary.

On 4/30/04, the Deputy Attorney General informed OPA that the Chief of the Civil Division is currently evaluating this case and expects to have its analysis and review completed by June 30, 2004.

The Acting Attorney General's response dated 10/25/04 did not address this recommendation.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required :**

The AGO should provide OPA the results of its review on the matter.

**Recommendation 5 :**

*Original:* The CPA Board of Directors should instruct the CPA Accounting Department to stop the practice of making advance payments of unused annual leave and salary, and comply with the provision in the employment contracts that payments will be made upon contract expiration. In the case of retiring employees not covered by employment contracts, payment should be made on the next payday following the termination of employment or on payroll due dates.

*As Redirected:* The AGO should provide its legal opinion on the propriety of CPA's practice of making advance payments of unused annual leave and salary, instead of complying with

the provision in the employment contracts that payments will be made upon contract expiration. In the case of retiring employees not covered by employment contracts, payment should be made on the next payday following the termination of employment or on payroll due dates.

**Agency to Act** : Commonwealth Ports Authority - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : In his 10/12/01 response, the CPA Executive Director disagreed with the recommendation and stated that there is nothing illegal about making advanced leave payments for annual leave that has already accrued or advancing a salary that an employee has already earned. He further stated that this is a matter that rests exclusively with the CPA Board.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring AGO's legal opinion.

On 4/30/04, the Deputy Attorney General informed OPA that the Chief of the Civil Division is currently evaluating this case and expects to have its analysis and review completed by June 30, 2004.

The Acting Attorney General's response dated 10/25/04 did not address this recommendation.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : AGO should provide OPA a copy of its legal opinion on the matter.

**Recommendation 8** : The Fund Administrator should instruct his staff to recalculate and adjust the pension benefits of all other fund members by disregarding overtime and comptime hours that were considered as additional credited service.

**Agency to Act** : Northern Mariana Islands Retirement Fund

**Status** : Resolved - Delinquent

**Agency Response** : NMIRF obtained the legal opinion of AGO on whether overtime and compensatory time can be used to determine the benefit amount of a retirement annuity.

AGO in its legal opinion dated 6/9/00, stated that overtime and compensatory time may not be used to calculate the amount of benefit, but only for determining eligibility for retirement. AGO also stated that overtime and compensatory time cannot be used to determine the amount of the benefit paid to a retiree by the Retirement Fund.

AGO recommended that re-calculation of benefits to affected members should be made, and the amount of overpayments should be determined. AGO further stated that members should be informed and advised of their right to appeal an adverse determination. If no appeal is filed, then the collection process must be undertaken by the NMIRF.

The Fund is in the process of determining which beneficiaries have been overpaid. Further actions will be taken after this determination, i.e., informing affected beneficiaries, appeal and collection process, etc.

In his response dated 7/22/03, the NMIRF Administrator stated that the pensions of two former CPA officials were recalculated "down" from the original calculations. OPA was not informed, however, of the results for recalculating the pension benefits of all other fund

members in determining which beneficiaries have been overpaid and what further actions were taken after their determination.

On 3/22/05, the NMIRF Administrator stated that at their 3/10/05 Board of Trustees meeting, the Board agreed to revisit the issue of recovering overpayments at its next regular meeting. The Administrator also stated that the Fund does not currently have a full-time legal counsel.

**Additional Information**

**or Action Required** : NMIRF should inform OPA of the results of their recalculation of pension benefits for all other fund members in determining which beneficiaries have been overpaid and provide evidence that corrective action was taken to adjust the benefits of affected members.

**Recommendation 9** : The Fund Administrator should recover improper payments to the two former CPA officials totaling \$126,730.06, and also from all other fund members who have been overpaid by including overtime and comptime in the computation of their retirement annuity. If any problems exist in recovering overpayments, refer the matter to the Attorney General for legal action.

**Agency to Act** : Northern Mariana Islands Retirement Fund

**Status** : Resolved - Delinquent

**Agency Response** : On 5/15/00, the Fund began withholding 50% of the former CPA Executive Director's semi-monthly pension. The Fund also conducted two separate agency hearings in connection with the retirement benefits improperly paid or being paid to the former Executive Director and former Security Chief. In its decision dated 2/15/01, the Fund's Board of Trustees affirmed the decision and actions of its Administrator in terminating the retirement benefit of the former Security Chief. Also, in a letter dated 7/27/00, AGO concurred with the findings of OPA and determined that the overpayment to the former Security Chief of CPA must be recovered. The Fund's Board of Trustees has not yet issued its decisions on the case of the former Executive Director.

On 4/2/03, OPA was provided with a copy of the Board of Trustees decision dated 6/21/01 in which it affirmed the decisions and actions of its Administrator in re-calculating and adjusting the retirement benefits of the Former Executive Director. OPA was informed, however, that the Former Executive Director had appealed the Board's final decision to the Superior Court (Civil Action No. 00-0409E) and the case is still on-going.

In his response dated 7/22/03, the NMIRF Administrator stated that they will update OPA on this issue when the CNMI Courts renders its decision on the Former Executive Director's appeal to the Superior Court.

On 3/22/05, the NMIRF Administrator stated that at their 3/10/05 Board of Trustees meeting, the Board agreed to revisit the issue of recovering overpayments at its next regular meeting. The Administrator also stated that the Fund does not currently have a full-time legal counsel.

In a phone conversation with the NMIRF Administrator on 4/5/05, OPA was informed that the former Executive Director's appeal to the Superior Court is still on going.

**Additional Information**

**or Action Required** : NMIRF should provide OPA (1) evidence of a written settlement plan with the former CPA Security Chief requiring repayment to the Retirement Fund and (2) the results of the Superior Courts decision in reference to the appeal made by the Former Executive Director to the Superior Court.

# Commonwealth Utilities Corporation

**Report No. LT-01-07 issued November 23, 2001**

**Commonwealth Utilities Corporation Audit of Travel of the Board of Directors,**

**Key Management and Other CNMI Government Officials from October 1999 through March 2001**

Date(s) of followup letter(s) sent : 3/4/02, 8/12/02, 2/14/03, 4/21/03, 8/5/03, 11/10/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 1/17/02, 9/5/02, 3/20/03, 7/7/03, 4/30/04 (AGO), 9/1/05 (AGO)

**Recommendation 4** : *Original* - The Chairman of the Board and the Executive Director initiate recovery of any overpayments mentioned in this report.

*As re-directed to the AGO:* The AGO should determine whether recovery of the overpayments which have not been repaid will be pursued and inform OPA of what actions the AGO will be taking.

**Agency to Act** : Commonwealth Utilities Corporation - Redirected to the Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : On 9/5/02, CUC provided OPA with a schedule showing payment paid by Board Member 1 for TA no. 00-375 totaling \$471, and CUC Officer 1 and Board Member 7 for \$415 and \$525, respectively, for erroneous per diem payments.

In his response dated 3/20/03, the Chairman for the CUC Board of Directors informed OPA that CUC has reverted to paying the subsistence allowance as recommended in the OPA audit report but that the present CUC Board of Directors has sanctioned the overpayments of the concerned Board members for the difference between the per diem they received and the subsistence allowance authorized and has provided justification for its decision, particularly in the case of the current board member who resides in Rota. On 4/21/03, OPA issued a letter to the Chairman of the CUC Board of Directors informing him that the position taken by the Board of Directors causes OPA concern for two reasons. First, it is inconsistent. To collect refunds for the overpayment from two individuals, but to excuse the others is inequitable. In addition, to state that CUC has reverted to paying the subsistence amount, indicating recognition that it is the authorized amount, but allowing individuals to retain the excess received over the subsistence amount is contradictory. Second, the letter provided by the Chairman of the CUC Board of Directors does not reflect the legal authority for an after the fact sanctioning of what the text of his letter and actions against the former employee and board member appear to recognize to be an improper act. OPA informed the Chairman of the CUC Board of Directors that without clearer legal authority or additional information to support their decision to sanction the overpayments, the recommendation will remain open.

On 7/7/03, OPA received a response from the CUC Board of Director's former Legal Counsel informing OPA that the Board has determined that they will (1) immediately reimburse the individuals who have paid the difference between the subsistence allowance and the per diem rate, (2) waive any further payment of outstanding sums, as noted in the audit recommendation, (3) insure that only payment of the subsistence amount is paid, and (4) present any anticipated change in policy as to sums paid with respect to inter-island travel to OPA for review and comment prior to final action. According to the Board's former Legal Counsel, the timing for denial of the payment, or requirement for reimbursement under an audit has passed, therefore, CUC will reimburse those who previously made payment and waive any additional payments from others.



On 8/5/03, OPA issued a letter to the Chairman of the CUC Board of Directors informing him that the time for collection has not passed and that the overpayments must be repaid by the individuals that received the monies as "such payments were improper", which is undisputed, as set forth by CUC in its response. As such, there is no legal basis presented by CUC to justify the waiver of payment by those individuals that have not repaid the funds. In addition, there is no legal basis to justify the reimbursement to those individuals that have repaid CUC for the erroneous payment. OPA believes that action for collection of the overpayments would be in the public interest and would be made against those having possibly breached their fiduciary duties by receiving and not repaying the funds. OPA is also concerned that the reimbursement for the funds received in repayment and the waiver of the funds due for the overpayment by the other individuals, absent a legal basis to do so, may present a new breach of duty based on unjustified sanctioning of such actions. OPA, therefore, cannot consider this matter closed and must refer this matter to the Office of the Attorney General for review at this time.

On 11/10/03, OPA forwarded to the Deputy Attorney General documents relating to the overpayments and questionable payment for further review and determination as to whether amounts in question should be recovered.

In his 4/30/04 response, the Deputy Attorney General stated that this case has been assigned to an Assistant Attorney General for evaluation and collection if appropriate.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required :**

The AGO should inform OPA whether recovery for the erroneous per diem payments and questionable payment below which have not been repaid will be pursued and what actions will be taken.

(1) TA's with erroneous per diem payments for Board Member 1, Board Member 3, and Board Member 4 totaling \$2,730.

(2) Questionable payment for one day per diem for TA no. 00-238 amounting to \$243.

**Report No. AR-02-01 issued August 27, 2002  
Commonwealth Utilities Corporation  
Audit of Small Purchases  
from October 1999 through March 2001**

Date(s) of followup letter(s) sent : 2/14/03, 9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 10/17/03, 10/29/04, 3/16/05, 8/24/05

**Recommendation I :** The CUC Board should amend CUC's Procurement Regulations to include:

1. a clear definition of artificial division of purchases or split purchases;
2. the procurement method to be followed in special circumstances, such as for urgently needed goods or services;
3. An exception to the required 3 quotations when the number of available suppliers is very limited.

**Agency to Act** : Commonwealth Utilities Corporation

**Status** : Resolved - Active

**Agency Response** : On 10/17/03, the CUC Executive Director provided OPA with the following proposed policies, forms, and amendments to the CUC Procurement Regulations which are now with the CUC Board for their review, adoption, and promulgation.

*Split Purchases* - CUC has proposed amendments to the CUC Procurement Regulations regarding split purchases which provided clear definition of split purchases and guidance for determining the existence of such type of procurement.

*Emergency Procurement* - CUC has proposed amendments to the CUC Procurement Regulations regarding emergency procurement which specifies conditions for use, procedures, documentation, and authorizations required for such type of procurement.

*Sole Source Procurement* - CUC has designed a Sole Source Justification Form to document the procurement method when CUC cannot obtain three quotations because of special circumstances.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the Proposed Amendments to the Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement on 10/7/04 and is in the process of promulgating the said amendments.

On 3/16/05, the CUC Executive Director advised OPA that the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement will be submitted to the Attorney General's Office for review by April 15, 2005.

In her response letter dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate the proposed amendments to the CUC Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement.

**Additional Information or Action Required** : CUC should provide OPA with an official copy of the amendments to its Procurement Rules and Regulations addressing split purchases, emergency procurement, and sole source procurement promulgated as regulations.

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**Recommendation 2** : The CUC Board should adopt policies and procedures for small purchases that:

1. provided adequate guidance to CUC employees on determining split purchases or artificially divided purchases;
2. define the coverage of emergency procurement under the after-the-fact procurement method specified in the CUC Comptroller's memorandum dated October 24, 2001;
3. provide procedures for identifying and documenting actual or potential conflicts of interest, including procedures for ensuring that conflicted employees recuse themselves from participating in the procurement process.

**Agency to Act** : Commonwealth Utilities Corporation

**Status** : Resolved - Active

**Agency Response** : On 10/17/03, the CUC Executive Director provided OPA with the following proposed policies, forms, and amendments to the CUC Procurement Regulations which are now with the CUC Board for their review, adoption, and promulgation.

*Split Purchases* - CUC has proposed amendments to the CUC Procurement Regulations regarding split purchases which provided clear definition of split purchases and guidance for determining the existence of such type of procurement.

*After-the-Fact Purchase Orders* - CUC has drafted a proposed policy on after-the-fact purchase orders viewing it as a serious matter and with the ultimate goal of eliminating it. Only in emergency situations may the corporation ratify after-the-fact purchases as commitments which are governed by applicable emergency procurement regulations.

*Conflict of Interest* - In a memorandum dated 10/17/03, the CUC Executive Director instructed the CUC Procurement Manager to advise all employees involved in the procurement process to observe CUC's policy on conflict of interest. CUC has proposed a Disclosure Statement Form which will require all concerned to disclose any substantial interest that employees or their relative have in any CUC procurement matter. The CUC Procurement Manager was also instructed to coordinate with OPA to provide annual Government Ethics training for its staff.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the Proposed Amendments to the Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form and is in the process of promulgating the said rules and regulations.

On 3/16/05, the CUC Executive Director advised OPA that the Proposed Amendments to the CUC Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form will be submitted to the Attorney General's Office for review by April 15, 2005.

In her response letter dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate the proposed amendments to the CUC Procurement Rules and Regulations addressing split purchases, after-the-fact purchase orders, and Disclosure Statement Form.

**Additional Information or Action Required** : CUC should provide OPA with a copy of the official amendments to its Procurement Rules and Regulations addressing split purchases, after the fact purchase orders, and disclosure statement form promulgated as regulations.

**Report No. AR-03-01 issued January 15, 2003**  
**Commonwealth Utilities Corporation**  
**Audit of Personnel Hiring**  
**from October 1, 1999 through July 15, 2001**

Date(s) of followup letter(s) sent : 9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 2/21/03, 10/17/03, 10/29/04, 3/16/05, 8/24/05

**Recommendation I** : Continue the effort to develop and adopt comprehensive personnel rules and regulations. If it determines that limited term appointments are necessary for CUC operation, it should define its practice in the proposed personnel regulations.

<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Status</b>	:	Resolved - Active
<b>Agency Response</b>	:	<p>In her response dated 10/17/03, the CUC Executive Director stated that the Board's Personnel Committee is pursuing the revision of their existing Personnel Rules and Regulations to be presented to the Board for approval and for promulgation as CUC Regulations. OPA was provided a copy of the Executive Director's letter to the Board dated 10/2/03 requesting action on this matter.</p> <p>On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the proposed CUC Human Resources Rules and Regulations on 10/7/04 and is in the process of promulgating the said rules and regulations.</p> <p>On 3/16/05, the CUC Executive Director advised OPA that the revised Personnel Rules and Regulations will be brought back to the Personnel Committee for further review. Upon adoption of the necessary changes, the Corporation will pursue promulgation of the said revised rules and regulations.</p> <p>In her letter response dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate its revised Personnel Rules and Regulations.</p>
<b>Additional Information or Action Required</b>	:	CUC should provide OPA with the official copy of the Human Resources Rules and Regulations promulgated as regulations.

**Report No. AR-03-02 issued January 22, 2003**  
**Commonwealth Utilities Corporation**  
**Audit of Premium Pay, Overtime, and Salary Increases**  
**from October 1, 1999 through September 30, 2001**

Date(s) of followup letter(s) sent	:	9/2/03, 4/13/04, 9/27/04, 2/15/05, 8/9/05
Date(s) of response letter(s) received	:	2/21/03, 10/17/03, 10/29/04, 3/16/05, 8/24/05

<b>Recommendation I</b>	:	Develop and adopt Personnel Rules and Regulations to cover promotion and salary increase justifications, and the various forms of premium pay it plans to use, as well as to conform to the requirements of the Fair Labor Standards Act concerning computation of overtime.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Status</b>	:	Resolved - Active
<b>Agency Response</b>	:	<p>In her response dated 2/21/03, the CUC Executive Director informed OPA that the CUC Board of Directors adopted an interim manual for Human Resources Policies and Procedures (HRPP) on 12/27/02. Upon completion of its review from staff and management, the Board will adopt the manual in a final form and present it to the AGO for review and promulgation in the Commonwealth Register as a regulation. CUC is preparing to issue a solicitation for a firm to create new classification and compensation plans for reclassification for the Corporation. The HRPP will address the issues of promotion and provide for a competitive promotional process. The compensation plan will provide for step increases in salaries for employees. The HRPP requires strict compliance with the Fair Labor Standards Act and it is CUC's</p>

intention that, with the concurrence of the consulting firm doing the compensation plan, CUC will eliminate premium pay and incorporate all aspects of any individual position which would impact compensation into the base salary. Based on the information provided, this recommendation is considered resolved until such time that the manual for HRPP is promulgated as regulations.

In her response dated 10/17/0, the CUC Executive Director stated that the Board's Personnel Committee is pursuing the revision of their existing Personnel Rules and Regulations to be presented to the Board for approval and for promulgation as CUC Regulations.

On 10/29/04, the CUC Executive Director informed OPA that the CUC Board has adopted the proposed Human Resources Rules and Regulations on 10/7/04 and is in the process of promulgating the said rules and regulations.

On 3/16/05, the CUC Executive Director advised OPA that the revised Personnel Rules and Regulations will be brought back to the Personnel Committee for further review. Upon adoption of the necessary changes, the Corporation will pursue promulgation of the said revised rules and regulations.

In her letter response dated 8/24/05, the Executive Director stated that CUC is in the process of finalizing all the necessary documents to promulgate its revised Personnel Rules and Regulations.

**Additional Information  
or Action Required :**

CUC should provide OPA with the official copy of the Human Resources Rules and Regulations promulgated as regulations.

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## Marianas Public Lands Authority

**Report No. AR-95-18 issued October 10, 1995**

**Division of Public Lands (DPL)**

**(Currently Marianas Public Lands Authority)**

**Audit of Credit Card and Related Travel Transactions**

Date(s) of followup letter(s) sent : Verbal follow-ups made through the telephone, 11/29/96, 12/3/96, 2/20/97 (AGO), 11/20/97, 9/17/98 (AGO), 3/3/98 (AGO), 9/18/98 (DLNR), 11/23/99 (DLNR), 1/26/99, 1/5/00 (AGO), 7/6/00 ((DPL), 7/12/00 (AGO), 1/17/01 (AGO), 1/24/01 (DLNR), 8/21/01 (AGO), 8/23/01 (OPL), 8/12/02 (MPLA) (AGO), 10/3/02 (AGO), 2/14/03 (AGO) (MPLA), 8/4/03 (MPLA) (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 4/23/04 (MPLA), 9/21/04 (AGO) (MPLA), 2/15/05 (AGO) (MPLA), 8/9/05 (AGO) (MPLA)

Date(s) of response letter(s) received : 11/14/95, 6/27/96, 4/4/97 (AGO), 9/11/97, 4/20/08 (AGO), 3/17/99, 10/21/99 (DPL), 10/31/00 (meeting with Coordinating Group on DLNR), 11/7/00 (meeting with Coordinating Group on AGO), 2/8/01 (DPL), 2/22/01 (DPL), 3/9/01 (AGO), 8/30/01 (OPL), 9/28/01 (OPL), 2/12/02 (meeting with AGO), 3/6/02 (MPLA), 8/19/02 (MPLA), 3/10/03 (MPLA), 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 6/7/04 (MPLA), 9/1/05 (AGO)

**Recommendation I** : *Original:* -The Secretary of DLNR should require the cardholders to reimburse the Marianas Public Land Corporation (MPLC) for all the unallowable and unsupported credit card charges, unless they can specifically relate the charges to MPLC official business and present supporting documents. If necessary, the Secretary of DLNR and the Director of DPL should seek the assistance of the Attorney General to recover the personal, unallowable, and unsupported credit card charges from the cardholders.

*As Revised and Redirected to the Attorney General's Office:* The Attorney General should take appropriate action to recover the personal, unallowable, and unsupported credit card charges from the cardholders.

**Agency to Act** : Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

**Recommendation 2** : *Original:* The Secretary of DLNR should recover from the cardholders the amount of \$45,698.  
*As Revised and Redirected to the Attorney General's Office:* The Attorney General's Office should take appropriate action to recover the amount of \$45,698 from the cardholders.

**Agency to Act** : Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

**Recommendation 4** : *Original:* The Secretary of DLNR should review and evaluate whether charges for official representation expenses were properly chargeable to MPLC, and recover improper charges from the former Executive Director.

**Agency to Act** : Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : OPA was informed that the former Board Chairman and Rota Board member both signed promissory notes requiring monthly payments to MPLA, the former Tinian Board entered into a settlement agreement with monthly installments to be made to MPLA beginning January 2000, and a trial court's judgement was ordered on 7/9/01 in the civil case against the former Comptroller which found the former Comptroller not liable on any of the allegations in the complaint filed against him. Therefore, the portion of the recommendation pertaining to the former Board Chairman, former Rota Board member, former Tinian Board member, and former Comptroller is considered closed. Monitoring of collections for the former Board

Chairman, former Rota Board Member and former Tinian Board Member is addressed in Recommendation 6.

With regards to the former Executive Director, a settlement agreement was entered in which he agreed to pay back in excess of \$54,000. The payment was made by release of retirement benefits that were owed to him, and by transferring private property to the CNMI government and waiving a potential land claim.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required :**

The AGO should provide documents on conveyance of property for debt settlement of the former Executive Director to completely close this recommendation.

**Recommendation 6 :** The Secretary of DLNR should instruct the current Comptroller to determine the correct balance of the travel advance account, and forward advances not reimbursed to DOF for collection. The remaining travel advance balances of cardholders/travelers still working for the Government should be recovered through salary deduction. For employees/officials who no longer work for the Government, the assistance of the Attorney General should be sought to collect the outstanding balances.

**Agency to Act :** Department of Public Lands (currently Marianas Public Lands Authority)

**Status :** Resolved - Delinquent

**Agency Response :** On 3/4/04, a member of the 14<sup>th</sup> CNMI Legislature requested OPA to review documents relating to the status of the outstanding account balance of the former Rota board member. During the review, OPA discovered that some of the documents provided by the member of the 14<sup>th</sup> Legislature regarding the account balance of the former Rota Board member were not previously submitted by MPLA during OPA's periodic audit recommendation follow-up requests. OPA also discovered that the schedule of payments submitted did not incorporate interest computation.

On 6/7/04, the MPLA Comptroller provided OPA with a copy of the promissory note executed with the former Rota Board Member on 1/5/96, copies of memorandums from the Comptroller to the MPLA Commissioner regarding the status of accounts for the former Chairman of the Board, former Rota Board Member and former Tinian Board Member as well as copies of subsidiary ledgers maintained to record payments received from these former board members.

The subsidiary ledgers provided incorporated interest computations on the outstanding balances for the former Board Chairman and former Rota Board member.

The status of accounts based on the above documents provided by the Comptroller is as follows:

*Former Chairman of the Board* - In a memorandum from the Comptroller to the Commissioner dated 6/7/04, the Comptroller stated that the account balance of the former Chairman of the Board through 2/5/04 is \$21,918.71 including interest (12% Simple Interest). The payment terms of the promissory note have not been consistently complied with. Thus, the Comptroller will be forwarding the account of the former Chairman of the Board to MPLA's Legal Counsel for legal action.

*Former Rota Board Member* - In a memorandum from the Comptroller to the Commissioner dated 6/14/04, the Comptroller stated that the former Rota Board Member has an outstanding balance of \$50,889.14 as of 3/26/04 which includes \$19,793.14 (net cumulative interest after application of payments) and \$31,096 in principal. MPLA management is working with the



former Rota Board Member in the resolution of the board action for which the former Rota Board Member is required to pledge his personal property for collateral and explore the possibility of revising the current payment plan. If the former Rota Board Member continues to fall behind in his account upon the resolution of the board action, MPLA will immediately seek for legal action.

*Former Tinian Board Member* - In a memorandum from the Comptroller to the Commissioner dated 5/24/04, the Comptroller stated that the former Tinian Board Member has not been complying with the conditions of the Stipulation to Judgement and Order. MPLA had notified the former Tinian Board Member on 3/6/03 that he has been in default with his agreement since October 2002 after which he started making usual monthly payments of \$250 six months later. However, MPLA has not been receiving payments from the former Tinian Board Member since March 2004. The Comptroller stated that the MPLA Legal Counsel will bring legal action against the former Tinian Board member. Based on a copy of the subsidiary ledger maintained to monitor payments made by the former Tinian Board member also provided to OPA, the account balance for the former Tinian Board member as of 6/7/04 is \$6,579.45. This reflects a beginning balance of \$16,829.45 less payments made through 3/23/04 totaling \$10,250. The stipulation to judgment and order in the civil case against the former Tinian Board member, however, showed that the former Tinian Board member entered into a settlement agreement to pay the sum of \$11,657 in monthly installments of \$250 beginning 1/15/00. If \$11,657 is the actual amount he needs to pay, then the account balance for the former Tinian Board member is \$1,407 (\$11,657 less total payments of \$10,250) and not \$6,579.45.

**Additional Information  
or Action Required :**

MPLA should continue to provide OPA with the status of collections for the three former board members and an update on possible legal proceedings to be taken against the former Board Chairman and the former Tinian Board Member. Also, MPLA should inform OPA of the results of the resolution of board action for which the former Rota Board member is required to pledge his personal property for collateral and a copy of the payment plan if revised. Finally, MPLA should determine the correct amount due from the former Tinian Board member and inform OPA of its determination and provide OPA a copy of the subsidiary ledger showing restatement of balance if made.

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**Report No. AR-96-05 issued March 21, 1996**  
**Division of Public Lands**  
**(Currently Marianas Public Lands Authority)**  
**Audit of the Saipan Fishing Center and the Lease of the Garapan Fishing Base**

Date(s) of followup letter(s) sent : 12/4/96, 11/20/97, 3/3/98 (AGO), 9/17/98, 11/23/99, 1/26/99, 1/5/00 (AGO), 7/12/00 (AGO), 1/17/01 (AGO), 8/21/01 (AGO), 8/12/02 (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 8/4/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 4/4/97 (AGO), 9/11/97, 3/10/98, 4/20/98 (AGO), 1/20/00 (AGO), 11/7/00 (meeting with Coordinating Group on AGO), 3/9/01 (AGO), 2/12/02 (meeting with AGO), 9/15/03 (AGO), 4/30/04 (AGO), 9/1/05 (AGO)

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**Recommendation I :** *Original:* - The Secretary of DLNR should terminate Corporation A's lease of the Garapan Fishing base and instruct the DPL Legal Counsel to: (a) initiate legal proceedings to collect rentals due from Corporation A and Restaurant A, (b) recover from the former President of Corporation B all payments collected from Corporation C for the unauthorized subleasing of the Saipan Fishing Center building, as well as any

rentals collected from the operators of Restaurant B, and (c) notify Restaurant A to pay rentals directly to DPL on a month-to-month basis.

*As Revised and Redirected to the Attorney General's Office:* The Attorney General's Office should: (a) initiate legal proceedings to collect rentals due from Corporation A and Restaurant A, (b) recover from the former President of Corporation B all payments collected from Corporation C for the unauthorized subleasing of the Saipan Fishing Center building, as well as any rentals collected from the operators of Restaurant B, and (c) notify Restaurant A to pay rentals directly to DPL on a month-to-month basis.

**Agency to Act** : Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : On March 10, 1998, the Attorney General's Office provided OPA documents showing collection of the \$338,910.63 representing rentals due from Corporation A. However, the Attorney General's Office is still considering whether to bring action against Restaurant A and against the former President of Corporation B. In view of this, OPA closed only the portion of the recommendation pertaining to Corporation A.

In his 3/9/01 response, the Acting Attorney General stated that liability in this case is clear, as the purchasing corporation signed a "promise to pay" reasonable value for use of public lands. Prospects for recovery need to be fully explored to determine if the case truly has merit.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring specific actions to be taken by AGO.

In his response dated 9/15/03, the Acting Attorney General stated that a settlement agreement was reached in September 1997 and that the AGO will forward a copy of the settlement agreement to OPA upon written request. On 11/7/03, OPA issued a written request to the AGO requesting a copy of the settlement agreement. On 11/12/03, OPA received a copy of the settlement agreement from the AGO. Upon further review, OPA determined that the settlement agreement pertained to rentals due from Corporation A which was already considered closed by OPA.

In his response dated 4/30/04, the Deputy Attorney General stated that AGO and OPA met on this matter on 10/19/99 and that OPA agreed to do "follow-up" investigation and provide a memorandum to AGO. Upon further review, it was determined that additional investigative work will not result in any changes to the findings and conclusions stated in our report. Accordingly, OPA will leave it to the discretion of the AGO to determine what course of action will be appropriate to address our recommendation. On 8/16/04, OPA provided AGO with a copy of the audit report on this matter for review and action.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information or Action Required** : To address the other portions of the recommendation, AGO should provide OPA with results of their review and actions to be taken against Restaurant A and against the former President of Corporation B.

**Report No. AR-00-04 issued November 22, 2000**  
**Division of Public Lands**  
**(Currently Marianas Public Lands Authority)**  
**Audit of Collection of Rentals on Land Lease with Quarries**  
**For Six Lease Years from 1990 to 1995**

Date(s) of followup letter(s) sent : Verbal follow-ups made through the telephone, 11/29/96, 12/3/96, 2/20/97 (AGO), 11/20/97, 9/17/98 (AGO), 3/3/98 (AGO), 9/18/98 (DLNR), 11/23/99 (DLNR), 1/26/99, 1/5/00 (AGO), 7/6/00 ((DPL), 7/12/00 (AGO), 1/17/01 (AGO), 1/24/01 (DLNR), 8/21/01 (AGO), 8/23/01 (OPL), 8/12/02 (MPLA) (AGO), 10/3/02 (AGO), 2/14/03 (AGO) (MPLA), 8/4/03 (MPLA) (AGO), 10/27/03 (AGO), 4/23/04 (BMPLA), 9/21/04 (BMPLA), 2/15/05 (BMPLA), 8/9/05 (BMPLA)

Date(s) of response letter(s) received : 11/14/95, 6/27/96, 4/4/97 (AGO), 9/11/97, 4/20/08 (AGO), 3/17/99, 10/21/99 (DPL), 10/31/00 (meeting with Coordinating Group on DLNR), 11/7/00 (meeting with Coordinating Group on AGO), 2/8/01 (DPL), 2/22/01 (DPL), 3/9/01 (AGO), 8/30/01 (OPL), 9/28/01 (OPL), 2/12/02 (meeting with AGO), 3/6/02 (MPLA), 8/19/02 (MPLA), 3/10/03 (MPLA), 9/15/03 (AGO), 10/31/03 (AGO), 6/8/04 (MPLA)

**Recommendation 2** : The Board of Public Lands (BPL) should require the DPL Director to take steps to collect the \$4.69 million in underpayment of rentals (including interest) on land leases with 8 quarries, and refer those lessees who refuse to pay to the AGO for legal action.

**Agency to Act** : Board of Public Lands (currently Board of Marianas Public Lands Authority)

**Status** : Resolved - Delinquent

**Agency Response** : After billings were sent to eight quarry operators collect \$4,690,707.81 in underpaid rentals, Quarry Operator H paid \$789.87 as full payment while \$946,967.58 owed by Quarry Operator B was written off due to bankruptcy. Therefore, DPL will pursue collection of underpaid lease rentals and interest of \$3,742,950.36 from the remaining six quarry operators.

On 8/12/04, OPA obtained the subsidiary ledgers showing the account balances for the remaining six quarry operators through 5/31/04 as follows.

*Quarry Operator A* - Amount recoverable per FY2000 audit is \$2,753,839.88 as of FY1995. Based on MPLA records, additional rentals and interest of \$2,323,511.64 increased the receivable to \$5,145,369.40 as of May 2004. Within 2001 to 2003, only \$1,100 was paid by Quarry Operator A. Thus, if payments were applied against the old balance, the amount still to be recovered from the 1995 balance is still \$2,752,739.88. According to the MPLA Comptroller, legal action against Quarry Operator A is in the hands of their Legal Counsel. He further stated that recognition of revenue and late fees has stopped since 2003. MPLA will be updating OPA on the status of this account.

*Quarry Operator C* - Amount recoverable per FY2000 audit is \$5,384.25 as of FY1995. Based on MPLA records, additional rentals and interest of \$546,644.03 increased the receivable to \$552,028.28 as of May 2004. On 3/7/02, MPLA offset its \$5,350 contract obligations due to Quarry Operator C as partial settlement towards its outstanding obligations. Also, payments totaling \$1,500 were made by Quarry Operator C on 8/6/02, 9/3/02, and 10/4/02. Thus, if the offset and payments made were applied against the

1995 balance, the amount recoverable as of FY2000 has been fully recovered. Therefore, the portion of the recommendation pertaining to Quarry Operator C is now considered closed.

*Quarry Operator D* - Amount recoverable per FY2000 audit is \$424,083.85 as of FY1995. Based on MPLA records, additional rentals and interest of \$1,065,486.33 increased the receivable to \$1,489,570.18 as of May 2004. Payments and adjustments totaled \$791,564.28. Thus, if the payments and adjustments made were applied against the 1995 balance, the amount recoverable as of FY2000 has been fully recovered. Therefore, the portion of the recommendation pertaining to Quarry Operator D is now considered closed.

*Quarry Operator E* - Amount recoverable per FY2000 audit is \$379,486.51 as of FY1995. Based on MPLA records, payments and adjustments through April 2004 totaled \$701,013.40. Thus, if the payments and adjustments made were applied against the 1995 balance, the amount recoverable as of FY2000 has been fully recovered. Therefore, the portion of the recommendation pertaining to Quarry Operator E is now considered closed.

*Quarry Operator F* - Amount recoverable per FY2000 audit is \$152,570.13 as of FY1995. Based on MPLA records, additional rentals and interest of \$708,407.31 increased the receivable to \$860,977.44 as of May 2004. Payments and adjustments as of 5/31/04 totaled \$54,429.25. Thus, if payments and adjustments were applied against the 1995 balance, the amount still to be recovered is \$98,140.88. According to the MPLA Comptroller, dealings with Quarry Operator F is currently being handled by the Chief of Compliance and Comptroller. He further stated that MPLA stopped the recognition of fees and revenues since 2003. A meeting will be set up with the owners to settle the account. The Comptroller stated that MPLA will be updating OPA on the results of the meeting.

*Quarry Operator G* - Amount recoverable per FY2000 audit is \$27,585.74 as of FY1995. Based on MPLA records, payments and adjustments as of May 2004 totaled \$164,712.09. Thus, if payments and adjustments were applied against the 1995 balance, the amount recoverable as of FY2000 has been fully recovered. Therefore, the portion of the recommendation pertaining to Quarry Operator G is now considered closed.

**Additional Information  
or Action Required :**

OPA is only monitoring recovery of amounts collectible from the six Quarry Operators pertaining to the period of the audit, which is six lease years 1990 through 1995. MPLA should continue to update OPA on the status of accounts for Quarry Operators A and F and provide subsidiary ledgers to support account balances and total payments made for these two Quarry Operators. Also, MPLA should inform OPA on the results of their meeting with Quarry Operator F.

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- Recommendation 3 :** The Board of Public Lands should require the DPL Director to review the effect of the additional revenues identified in this audit on each affected year's operation in order to determine if there will be surplus funds due to the Marianas Public Land Trust (MPLT).
- Agency to Act :** Board of Public Lands (currently Board of Marianas Public Lands Authority)
- Status :** Open - Delinquent
- Agency Response :** The response expressed concurrence with the recommendation and stated that DPL is currently reviewing the effect of the foregoing unrealized revenues for each affected year's operation to determine whether there are surplus funds due to MPLT.

In a 1/4/02 response from MPLA, the Commissioner (formerly Executive Director) stated that they will be providing OPA updates on the "open" recommendations as they materialize.

In her response letter dated 8/19/02, the Commissioner stated that MPLA has yet to finalize assessment of the additional revenues pending requests and negotiations with lessees/permittees which require thorough review.

The response submitted by the Commissioner of MPLA dated 3/10/03 did not address this recommendation.

In his response dated 6/8/04, the MPLA Comptroller informed OPA of the three types of reasonable expenses for which the function of MPLA is governed by the CNMI Constitution and CNMI statutes which are management expenses, homestead expenses, and comprehensive land use plan expenses. He further stated that the use of public land lease revenues shall be used solely for the projects specifically related to homestead development such as constructing roads, water lines, sewer, etc which is consistent with the Commonwealth Constitution. MPLA has revised the reporting section of the net assets of the Statement of Net Assets to read "Net Assets Restricted for Homestead Development Projects" which have been validly approved by MPLA board and obligated for expenditure on Homestead Projects in accordance with the CNMI Constitution. Therefore, such project is ear-marked and committed along with a 5-year plan. MPLA will finance the 5-year plan using any surplus available at the end of the year. The MPLA Comptroller also stated in his response that OPA had previously issued a letter to MPLT on 10/20/98 concluding that no net revenue transfers have been made by DPL from FYs 1992 to 1994 due to excess expenditures incurred over revenues realized from the cost of operations.

**Additional Information  
or Action Required** :

MPLA should provide OPA a definite response whether the additional revenues for the period of the audit were retained and used in accordance with legal provisions.

**Recommendation 5** : The Board of Public Lands should require the DPL Director to send letters to lessees (Quarry Operators E, F, H, and G) who misinterpreted certain provisions of the lease agreements/permits and incorrectly computed required rentals, clarifying for them the proper interpretation of material subject to royalty or gross receipts rent, and the common errors noted such as not implementing rate increases on the anniversary dates of lease agreements.

**Agency to Act** : Board of Public Lands (currently Board of Marianas Public Lands Authority)

**Status** : Resolved - Delinquent

**Agency Response** : OPA was provided with a 9/15/00 letter sent by DPL to quarry operator E evidencing communication as to the audit evidencing communication as to the audit finding on its quarry operations. Another quarry operator, quarry operator H, fully paid its amount due to DPL, so there is no need to send it a letter. We consider the part of the recommendation pertaining to quarry operators E and H closed.

On 12/18/01, OPA was provided with a 3/13/01 letter sent by MPLA to quarry operator G clarifying the proper interpretation of material subject to royalty or gross receipts rent, and the common errors noted such as not implementing rate increases on the anniversary dates of lease agreements. Based on the response provided, we consider the part of the recommendation pertaining to quarry operator G closed.

In her response letter dated 8/19/02, the Commissioner informed OPA that MPLA has not yet sent a letter to Quarry Operator F pending an investigation of the permittee's land exchange claim.

The response submitted by the Commissioner of MPLA dated 3/10/03 did not address this recommendation.

In his response dated 6/8/04, the MPLA Comptroller stated that although Quarry Operator F was involved in a land exchange during the time, MPLA should have notified the lessee about the results of the OPA audit which uncovered revenues of \$115,210.11. The Comptroller provided OPA with a copy of the memorandum he had addressed to the Commissioner requesting him to send a letter notifying Quarry Operator F to this effect.

**Additional Information  
or Action Required :**

Provide OPA copies of documents evidencing communication with the remaining lessee, *i.e.* Quarry Operator F.

# Northern Marianas College

**Report No. AR-03-03 issued on February 19, 2003**  
**Northern Marianas College**  
**Evaluation of the Facts and Circumstances Surrounding**  
**the Termination of Employees**

Date(s) of followup letter(s) sent : 8/1/03, 4/28/04, 9/27/04, 2/15/05, 8/8/05

Date(s) of response letter(s) received : 4/1/03, 8/5/03, 6/7/04

**Recommendation 2** : The Board Chairman reiterate to Board members the need to thoroughly review policy level actions involving: (a) organizational structure in light of NMC goals and objectives as required by Board policy 1000, and (b) the establishment of faculties or staff as required by Board policy 1009.

**Agency to Act** : Northern Marianas College

**Status** : Open - Delinquent

**Agency Response** : In his 8/5/03 response, the NMC President stated that the Board has already initiated review and the entire Board is in the process of updating all policies, section at a time, using a model set of policies recommended by their WASC consultant adapted to the needs of the Commonwealth. OPA was provided a copy of the first section of revised policies which were approved by the Board in its regular June meeting. OPA was not informed, however, on how the Board has reviewed policy level actions involving organizational structure and the establishment of faculties or staff.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information or Action Required** : Document for the record how the Board has reviewed policy level actions involving (a) organizational structure, and (b) the establishment of faculties or staff.

**Recommendation 3** : The Board Chairman and the President strongly consider strengthening processes in place for obtaining broader employee involvement in NMC decisions by implementing a policy to address it and thus comply with WASC accreditation standards.

**Agency to Act** : Northern Marianas College

**Status** : Resolved - Delinquent

**Agency Response** : In his response dated 8/5/03, the NMC President stated that Governance is a matter for the WASC accreditation process. Their recent actions will be reviewed during their next self-study and WASC visitation. NMC has also implemented a new approach to governance over the last academic year by establishing a College Governance Assembly and three subordinate councils. The Board has not yet reviewed and updated its current policy on Governance.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information**

**or Action Required :** Provide OPA with a copy of the updated policy on Governance addressing employee involvement in NMC decisions upon its adoption.

**Recommendation 4 :** The President (a) document his reorganization with objectives, time-lines, and fiscal impact; (b) identify positions affected; (c) provide a mechanism to assess whether the results have met the redesigned organization's objectives; and (d) identify legal and human resource issues such as compliance with applicable laws, policy, and accreditation standards.

**Agency to Act :** Northern Marianas College

**Status :** Resolved - Delinquent

**Agency Response :** In his response dated 8/5/03, the NMC President stated that these issues will be dealt with through the accreditation process in a timely and appropriate fashion during their upcoming self-study and accreditation visit.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information**

**or Action Required :** Provide the Board with documentation that shows: (a) reorganization objectives, time-lines, and fiscal impact; (b) positions affected; (c) a mechanism to assess whether the results have met the redesigned organization's objectives; and (d) legal and human resource issues such as compliance with applicable laws, policy, and accreditation standards.

**Recommendation 5 :** The Board Chairman review with the Board of Regents its policy on reductions-in-force (RIF), and clarify when RIF procedures should apply.

**Agency to Act :** Northern Marianas College

**Status :** Resolved - Delinquent

**Agency Response :** In his response dated 8/5/03, the NMC President stated that the Board has already initiated review and the entire Board is in the process of updating all policies, section at a time, using a model set of policies recommended to them by their WASC consultant adapted to the needs of the Commonwealth. NMC will forward more policies as they are adopted.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information**

**or Action Required :** Provide OPA with a copy of the updated policy on reductions-in-force (RIF) which should clarify when RIF procedures should apply.



**Recommendation 6** : The President inquire with the Western Association for Schools and Colleges (WASC) as to whether or not the Administration Procedures Act should apply to NMC; if WASC determines that they should apply, the President should ensure that NMC policies are published as regulations as required by the Administrative Procedures Act; if WASC determines they do not apply, the President should bring this matter to the Board to propose legislation which would exclude NMC from the Act.

**Agency to Act** : Northern Marianas College

**Status** : Resolved - Delinquent

**Agency Response** : In the NMC Board of Regent's response prior to issuance of the final audit report, the Board agreed that NMC should follow the Administrative Procedures Act on future actions. In his 8/5/03 response, the NMC President stated that the Board initially approved the first section of revised policies at its regular June meeting. These policies have been reviewed by the Chamorro/Carolinian Language Policy Commission as the initial step in the Administrative Procedures Act and will soon be published. OPA was provided a copy of the first section of revised policies that have already been adopted. NMC will forward more policies as they are adopted.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information or Action Required** : NMC should provide OPA with a copy of the revised policies published as regulations in the Commonwealth Register.

**Recommendation 7** : The President seek legal determination as to whether four recent reassignments were made in accordance with Board policy and, if not, take appropriate action to rectify the situation.

**Agency to Act** : Northern Marianas College

**Status** : Resolved - Delinquent

**Agency Response** : On 8/5/03, OPA was provided a copy of the legal decision rendered by its attorney dated 5/22/03 as to whether four assignments were made in accordance with Board policy. NMC's attorney ruled that two of the four reassignments violated NMC policy because they were not announced. NMC's attorney also recommended that the Board meet with the President to arrive at a resolution of this violation.

In his 6/7/04 response, the NMC Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information or Action Required** : NMC should inform OPA of appropriate actions taken to rectify the situation.

**Recommendation 10** : The President and the Board consult with its legal counsel to determine the effect of the Civil Service Commission's decision on NMC employment status.

**Agency to Act** : Northern Marianas College

**Status** : Open - Delinquent

**Agency Response** : In his response dated 8/5/03, the NMC President stated that the Civil Service issue is still pending in the court.

In his 6/7/04 response, the Director of Finance and Procurement stated that the Office of the President is currently researching the actions taken by the former NMC President to address this recommendation and will provide OPA with the relevant information upon completion of its research.

**Additional Information or Action Required** : NMC should provide OPA with the results of the courts decision in reference to the Civil Service issue pending in court.

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# Northern Mariana Islands Retirement Fund

**Report No. LT-01-04 issued August 8, 2001**

## **Northern Mariana Islands Retirement Fund Audit of Travel Outside the CNMI from October 1996 Through March 2000**

Date(s) of followup letter(s) sent : 3/5/02, 8/9/02, 2/18/03, 8/4/03, 4/16/04, 9/28/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received : 7/22/03, 3/22/05

**Recommendation 2** : The Fund Administrator should consistently enforce sanctions or other remedies for travel violations. Travelers with unliquidated advances should be denied additional travel advances; payroll deductions should be immediately implemented for travelers who fail to submit the required travel documents on time; and board members, especially those who are not government employees, should be required to immediately repay outstanding travel advances.

**Agency to Act** : Northern Mariana Islands Retirement Fund

**Status** : Resolved - Delinquent

**Agency Response** : NMIRF agreed with the recommendation and stated that erroneous and unnecessary travel reimbursements must be collected. The BOT will work with the Administrator towards identifying the travel violations and collecting from the travelers who owe the Fund.

On 7/22/03, the NMIRF Administrator provided OPA with a copy of the memorandum directed to the Fund Comptroller reminding him to strictly enforce the NMIRF Travel Policy that no further travel shall be authorized or permitted for a traveler who has failed to submit the proper vouchers from prior travel, until the vouchers are received and approved by the Administrator, and all outstanding travel advances cleared. He also authorized the Comptroller to deduct from payroll any amounts due from travelers and require Board of Trustees who are not part of the government payroll to immediately repay the advances when a completed travel voucher is submitted. OPA was not informed, however, of the expected date of when the scheduled overpayments will be collected.

In his response dated 3/22/05, the NMIRF Administrator stated that the Fund is strictly enforcing its travel policy and continuously reminds travelers to liquidate travel vouchers within 10 days after the culmination of official travels. The Fund also collected from travelers anything that was due from each individual traveler upon liquidation of advances.

**Additional Information or Action Required** : NMIRF is requested to provide OPA the status of collection of overpayments cited in the audit report. NMIRF should also provide OPA reasons, if any, for those overpayments that were not collected or resolved.

**Recommendation 3** : The Fund Administrator should disallow the practice of using corporate credit cards for payment of hotel and car rentals. Corporate credit cards should be used to guarantee hotel and car reservations only, when and if required by vendors. In addition, a strict credit card policy should be adopted to limit the use of corporate credit cards.

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<b>Agency to Act</b>	:	Northern Mariana Islands Retirement Fund
<b>Status</b>	:	Resolved - Delinquent
<b>Agency Response</b>	:	<p>In his response dated 7/22/03, the NMIRF Administrator stated that NMIRF has a standing policy that "no individual traveler" (staff or Board of Trustees) shall be issued corporate credit cards. The Fund corporate credit card is used only to guarantee hotel and car reservations and for procuring supplies off-island, with appropriate measures taken for authorize personnel to place emergency order. OPA was not provided, however, with the written policy restricting the use of corporate credit card.</p> <p>On 3/22/05, the NMIRF Administrator stated that the Fund maintains only one corporate credit card used only to guarantee hotel and car reservations, procure supplies outside the CNMI, and to place advertisements in magazines. The corporate credit card policies will be integrated into NMIRF's policies and procedures by the Fund Policies and Procedures Committee.</p>
<b>Additional Information or Action Required</b>	:	NMIRF should provide OPA a copy of the written policies and procedures restricting the use of the corporate credit cards adopted by the Board.

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## Tinian Casino Gaming Control Commission

### Report No. AR-99-03 issued April 7, 1999

### Audit of Consultant's Contract

### Fiscal Year 1997

Date(s) of followup letter(s) sent : 1/5/00 (AGO), 7/12/00 (AGO), 1/17/01 (AGO), 8/21/01 (AGO), 8/12/02 (AGO), 10/3/02 (AGO), 2/14/03 (AGO), 8/4/03 (AGO), 10/27/03 (AGO), 4/13/04 (AGO), 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 4/9/99 (TMO), 1/20/00 (AGO), 11/7/00 (meeting with Coordinating Group on AGO), 3/9/01 (AGO), 12/31/01, 2/12/02 (meeting with AGO), 9/15/03 (AGO), 10/31/03 (AGO), 4/30/04 (AGO), 10/25/04 (AGO), 9/1/05 (AGO)

**Recommendation I** : *Original* - The Mayor of Tinian and Aguiguan should request the Attorney General to institute an action to declare the Consulting Service Agreement between TCGCC and the consultant null and void, and to recover all amounts paid by TCGCC to the consultant and the consultant's son.

*As Redirected to AGO* - Institute legal action to declare the Consulting Service Agreement between TCGCC and the consultant null and void, and to recover all amounts paid by TCGCC to the consultant and the consultant's son.

**Agency to Act** : Attorney General's Office

**Status** : Resolved - Active

**Agency Response** : In his 3/9/0 response, the Acting Attorney General informed OPA that there is an ongoing investigation related to the facts and circumstances of this matter.

On December 31, 2001, civil action was filed against the consultant to recover overpayment of \$543,375 on grounds of unjust enrichment, conversion, fraud and breach of fiduciary duty. Civil action was also filed against three other individuals to recover \$195,971 for breach of fiduciary trust. Recoverable amounts totaled \$739,346.

In a meeting on 2/12/02, this recommendation was included in the list provided by OPA to AGO pertaining to outstanding matters requiring specific actions to be taken by AGO.

In his response dated 9/15/03, the Acting Attorney General stated that a search of their files reveal that there are no records of this case in the AGO. On 10/27/03, OPA provided AGO with a copy of the audit report on this case referral.

On 4/30/04, the Deputy Attorney General informed OPA that a request for Declaratory and Injunctive relief is currently pending in the CNMI Superior Court.

In his response dated 10/25/04, the Acting Attorney General informed OPA that the AGO is researching legal issues that have arisen in the pending suit and will follow-up on this matter with TCGCC's legal counsel.

In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case. The Attorney General further stated that a memo from an Acting Attorney General dated 3/23/05 indicated that DOF was contacted in January 2005 requesting documentation of payments made to the Gaming Commission and payments made to other entities. She also stated that the case is still pending as the DOF is still trying to locate the documents.

**Additional Information  
or Action Required :**

The AGO should inform OPA of the result of its follow-up with TCGCC's legal counsel, DOF and any changes in any pending civil actions.

**Report No. AR-02-02 issued September II, 2002  
Tinian Casino Gaming Control Commission  
Audit of Travel Transactions  
Fiscal Years 1996 - 2001**

Date(s) of followup letter(s) sent : 3/5/02, 8/9/02, 2/18/03, 8/4/03, 4/13/04, 9/21/04 (AGO), 2/15/05 (AGO), 8/9/05 (AGO)

Date(s) of response letter(s) received : 7/22/03, 6/17/04, 10/25/04 (AGO), 9/1/05 (AGO)

**Recommendation I :** *Original* - Recover advances totaling \$406,925 (Appendix A) from the commissioners, officials, and employees unless convincing evidence is submitted showing otherwise. If the commissioners, officials, and employees refuse to repay the funds, the Chairman should request the Attorney General's Office to take legal action against the commissioners, officials, and employees to recover the amount of advances outstanding.

*As re-directed to the AGO* - Institute legal action against the commissioners, officials, and employees to recover the amount of advances outstanding.

**Agency to Act :** Tinian Casino Gaming Control Commission re-directed to the Attorney General's Office

**Status :** Open - Active

**Agency Response :** The table on page 4 of the report presents five types of exceptions noted and the potentially recoverable amount. The following information or actions are required for each exception in order to consider the recommendation closed:

1. No travel voucher submitted - \$107,414 - the Tinian Casino Gaming Control Commission (TCGCC) should present travel vouchers and documents to support claimed expenses. Otherwise, it should collect the advances and present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.
2. Insufficient supporting documentation - \$247,278 - TCGCC should present valid documents to support claimed expenses. Otherwise, it should collect the advances and present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.

After the exit briefing conducted on August 14, 2002, certain travelers provided copies of documents evidencing that official trips were performed. Although these documents had not been timely submitted, most of them

adequately documented claimed expenses and would reduce exception no. 2 by \$14,672.

3. Unallowable discretionary fund expenses - \$15,829 - TCGCC should present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction. Two travelers concurred that they should pay TCGCC for personal expenses cited by OPA.
4. Improper CNMI advances - \$26,808 - TCGCC should present evidence of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.
5. Excessive Per diem - \$9,596 - TCGCC should present proof of collection from the traveler such as official receipts or, if applicable, evidence of payroll deduction.

On August 16, 2002, a traveler provided OPA a copy of official receipt for payment of \$75 excess per diem.

In his response dated 6/17/04, the Chief Legal Counsel for TCGCC stated that TCGCC had contacted certain commissioners, officials and employees about the allegations in the audit report and was unable to settle their accounts consistent with the requirements of the recommendation. However, they have followed the recommendation made by OPA and has referred this matter to the AGO for "appropriate action". Although no specific referral letter was issued to the AGO, one of the Assistant Attorney General acknowledged his familiarity with the conclusions of the report and the request by TCGCC that the AGO take "appropriate action" to recover the funds identified in this recommendation. The Assistant Attorney General advised the Chief Legal Counsel that the AGO will review the report and determine what "appropriate action" will be taken against the commissioners, officials and employees identified in the report.

In his response dated 10/25/04, the Acting Attorney General stated that the AGO is currently researching standing issues related to the collection of the debt.

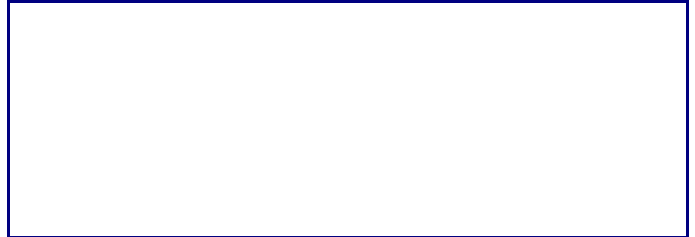
In her letter response dated 9/1/05, the Attorney General stated that there has been no change to the development of this case.

**Additional Information  
or Action Required**

- : The AGO should inform OPA the results of its research and whether it will pursue this case.



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# Senate

**Report No. AR-03-05 issued August 6, 2003**  
**CNMI Senate, Thirteenth Legislature**  
**Monthly Subsistence Allowance Provided to Members**  
**of the Senate Covering the Period Ending June 30, 2002**

Date(s) of followup letter(s) sent : 4/13/04, 9/27/04, 2/15/05, 8/9/05, 9/22/05

Date(s) of response letter(s) received : 5/12/04 (request for extension to respond), 10/13/04, 3/8/05 (telephone follow-up), 3/16/05, 8/17/05 (meeting with Senate Legal Counsel), 8/29/05

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**Recommendation I** : Introduce legislation to grant it authority for the subsistence allowance, to set the amount of the allowance, and to certify it as a public purpose.

**Agency to Act** : Senate

**Status** : Open - Active

**Agency Response** : The Senate stated that the subsistence allowance need not be in the form of a law. Instead the Senate asserts that it has implied statutory authority to establish the subsistence allowance for its members by Senate rule because 1 CMC §121(i) states that “expenditures authorized and regulated by legislative rules are expressly declared to be for a public purpose...”.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

*OPA Response* - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and to establish and justify the amount of its subsistence allowance through legislation.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate’s position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA’s recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA’s audit recommendations. The Senate Legal Counsel informed OPA that the Senate’s position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate’s position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with

the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the state or territory and the level of sophistication of accounting systems. OPA provided the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable.

**Additional Information  
or Action Required :**

The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.

**Recommendation 2 :** Undertake an analysis of reasonable travel costs to ensure that the amount set for allowance is appropriate given expenses incurred.

**Agency to Act :** Senate

**Status :** Open - Active

**Agency Response :** The Senate said it will replace the existing subsistence allowance system with a new revolving reimbursement system that would use uniform per diem rates to reimburse Senators for expenses incurred in the exercise of their constitutional duties. It would also conduct an analysis of travel expenses to ensure that the new per diem rate was reasonable.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

*OPA Response* - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and pursue the analysis to determine the reasonable amount of members' travel allowance.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this

recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA's audit recommendations. The Senate Legal Counsel informed OPA that the Senate's position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate's position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the state or territory and the level of sophistication of accounting systems. OPA provided the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable.

**Additional Information  
or Action Required** :

The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.

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**Recommendation 3** : Document travel activity to enable the Senate to more accurately estimate an appropriate monthly allowance.

**Agency to Act** : Senate

**Status** : Open - Active

**Agency Response** : The Senate agreed to provide OPA with a written analysis of what it considers as reasonable travel to support changing the amount set for the monthly subsistence allowance.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

*OPA Response* - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must

reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and pursue the analysis to determine the reasonable amount of its subsistence allowance.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA's audit recommendations. The Senate Legal Counsel informed OPA that the Senate's position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate's position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the state or territory and the level of sophistication of accounting systems. OPA provided the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable.

**Additional Information  
or Action Required :**

The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.

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**Recommendation 5 :** Amend legislation and/or travel policy to prevent senators from being reimbursed for other concurrent travel.

**Agency to Act :** Senate

**Status :** Open - Active

**Agency Response :** The Senate stated it would take action so that members do not receive "double compensation" for travel costs.

In his response dated 10/13/04, the Senate President informed OPA that after reviewing the controlling legal authorities and after extensive deliberation and discussion, the Senate feels that a comprehensive Constitutional and statutory system currently exists to adequately govern the allowance given to members of the Senate and that no further legislation is necessary at this time.

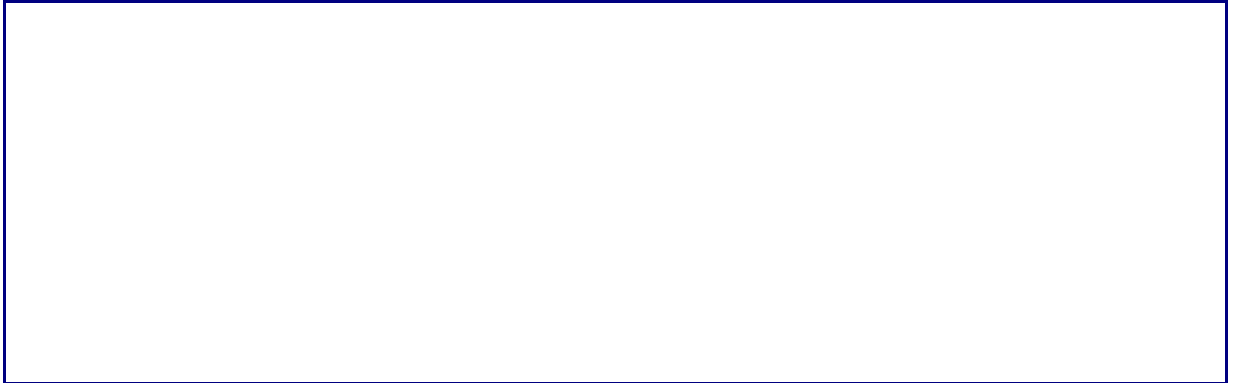
*OPA Response* - OPA did extensive legal research which formed the basis for the recommendation. OPA believes the CNMI Constitution clearly addresses these issues. OPA disagrees that the Senate may impliedly grant itself the authority to create an allowance for expenses through its internal rules. Therefore, until such time as the allowances that have been created by the Senate rules are discontinued, OPA must reiterate that the potential for legal challenges to the constitutionality of the authority for the monthly allowance exists. OPA urges the Senate to reconsider its position and amend legislation and/or travel policy to prevent Senators from being reimbursed for other concurrent travel.

In a telephone follow-up conversation with a Senate Legal Counsel, OPA was informed that the Senate's position on this matter remains the same. Therefore, this recommendation will remain *Open - Active* until such time that the Senate reconsiders its position and addresses OPA's recommendation.

On 8/17/05, OPA met with the Senate Legal Counsel to discuss OPA's audit recommendations. The Senate Legal Counsel informed OPA that the Senate's position on this matter is essentially the same. However, OPA expressed its concern that a better system of accountability should be established. On 8/29/05, the Senate President reiterated to OPA that the Senate's position on this matter still remains the same and that no further legislation is necessary at this time. However, after discussing the matter with the Senate Legal Counsel and the concerns expressed by OPA staff during the 8/17/05 meeting, the Senate President agreed that a better system of accountability should be established. The Senate President therefore requested OPA's assistance in establishing an accounting system for the monthly Senatorial allowance or stipend that balances ease of use and proper accountability and is mutually acceptable to both the Senate and OPA. In OPA's response to the Senate President dated 9/22/05, OPA stated that in developing a system for the Senate's use, OPA consulted with representatives of the Hawaii Legislature, the Hawaii State Auditor, the Virgin Islands Inspector General, and the American Samoa Territorial Auditor because of the similarities in the multi-island geographic composition of the state or territory and the level of sophistication of accounting systems. OPA provided the Senate President with a copy of the Hawaii House Administrative and Financial Manual for the Hawaii House of Representatives, Twenty Second State Legislature as reference in developing an accounting system for the monthly allowances paid to CNMI Senators. In its letter, OPA cited various requirements, restrictions, and forms which must be completed governing the Hawaii Legislature's annual allowance. For the CNMI Senator's stipend, OPA proposed a simple one page form which would simply list the date and amount of the monthly disbursement and then account for its usage. Since the Senators are currently being required to provide the Senate President with their monthly receipts, this system incorporates that method and make it easily reviewable.

**Additional Information  
or Action Required :**

The Senate should inform OPA whether or not it will adopt the proposed form for accounting the monthly Senatorial allowance.





## Washington Representative's Office

**Report No. AR-99-02 issued March 29, 1999**  
**Verification of Expenses and Review of Selected Administrative Practices**  
**of the Washington Representative's Office**  
**Fiscal Years 1995 and 1996**

Date(s) of followup letter(s) sent : 11/29/99, 7/11/00, 1/24/01, 8/22/01, 3/4/02, 8/9/02, 2/18/03 (DOF), 8/4/03 (DOF), 4/14/04 (DOF), 9/28/04 (DOF), 2/15/05 (DOF), 8/8/05 (DOF)

Date(s) of response letter(s) received : 10/6/99, 9/25/01, 3/20/02, 8/12/02, 8/21/02, 3/17/03 (DOF request for extension), 3/7/05 (DOF request for extension), 3/18/05 (DOF)

**Recommendation 15 :** *Original:* The Washington Representative should continue his efforts to collect the outstanding loans until such time as he is assured that any further collection efforts would be futile. At that time, the loan documentation should be turned over to the Department of Finance in Saipan for further action. If the obligations are collected, the amount should be returned to the CNMI General Fund.

*As Revised and Redirected to DOF:* DOF should determine the current status of the loan receivable from the former Washington Representative.

**Agency to Act :** Washington Representative's Office - Redirected to Department of Finance

**Status :** Resolved - Delinquent

**Agency Response :** In the 9/25/01 response from WRO, it was stated that the \$1,080 loan was fully paid. OPA was provided copies of the official cash receipt and a check for \$50.25 evidencing final payment representing the balance on the employee loan of \$1,080. This portion of the recommendation pertaining to the \$1,080 employee loan is considered closed.

For the \$2,500 loan, the former Washington Representative has entered into an agreement with DOF to make monthly payments in the amount of \$100. The Washington Representative has made three payments totaling \$300 leaving a balance still collectible of \$2,200. OPA was provided copies of the official receipts and checks evidencing payments made of \$300 and a copy of the promissory note for the \$2,500 loan.

In his 3/20/02 response, the current Washington Representative sought the advice of OPA on how to go about collecting the loan made by the former Washington Representative.

In his 8/12/02 response, the Washington Representative suggested that OPA redirect the recommendation to DOF as his office is not involved in the repayment of the loan. On 8/28/02, OPA issued a letter to the Secretary of Finance requesting the current status of the loan receivable.

In his letter dated 3/18/05, the Secretary of Finance stated that the Director of Finance and Accounting had issued a letter to the former Washington Representative on 2/7/03 requesting verification on the total amount already paid pursuant to the audit. DOF has not received a response from the former Washington Representative. DOF will be

sending another letter concerning the outstanding balance. DOF will be updating OPA on the status of the outstanding balance upon receipt of a response to their latest letter.

**Additional Information  
or Action Required :**

DOF should inform OPA of the current status of the loan receivable from the former Washington Representative.

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This section of the report presents recommendations from Single Audit reports and other types of audit reports issued by private Certified Public Accountant (CPA) firms. The Office of the Public Auditor is not responsible for tracking the implementation of these recommendations, however, they are included in our audit tracking report for information purposes. Because OPA is responsible for overseeing all audits of the CNMI government, follow-up procedures are also conducted for these recommendations to determine what actions have been taken by the individual agencies to implement the recommendations issued by private CPA firms. A copy of the agencies' responses is subsequently provided to the Independent Auditor who conducted the audit to determine whether the agencies' responses are sufficient to consider the recommendations resolved.

Based on the classification followed by private CPA firms, a recommendation is described as either *resolved* or *unresolved*.

*Status of Prior Year Audit Findings:*

In the "Single Audit" report of the CNMI for FY 2003, a summary schedule showing the status of prior year audit findings for FY 2002 were reported. Of the 26 audit recommendations issued in FY 2002, 7 were resolved and 19 were still unresolved and repeated as audit findings in the FY 2003 Single Audit report of the CNMI. Details of the FY 2002 prior year audit findings can be obtained upon request from OPA.

**Annual Financial & Compliance Audit  
in Accordance with OMB-A-I33  
Fiscal Year Ended September 30, 2003  
Conducted By: Deloitte.**

Date(s) of followup letter(s) sent : 8/8/05 (DOF) (OMB) (NAP) (DEQ), 8/9/05 (DPH) (CRM) (Medicaid) (Office of the Governor) (DLNR), 8/17/05 (Deloitte re: CRM response), 9/6/05 (Deloitte re: DEQ response), 9/7/05 (Deloitte re: Medicaid response), 9/13/05 (Deloitte re: NAP response)

Date(s) of response letter(s) received : 8/12/05 (CRM), 8/26/05 (DEQ) (Medicaid), 9/9/05 (NAP)

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**Recommendation 1** : *Cash and Cash Equivalents* - We recommend that the CNMI establish policies and procedures to ensure the timely reconciliation of bank accounts.

**Agency to Act/  
Contact Person(s)** : Department of Finance - CNMI Treasurer

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : Checking accounts are reconciled monthly. Auditors are provided with summary reconciliation for full year. Summary reconciliation is used to book adjustments at year-end. Savings account statements should be reconciled quarterly not monthly. There is an assigned person to do this at Treasury but due to shortage of cashiers, Treasury staffs were acting as cashiers during this period. Bank should be able to confirm TCD history. Many times they automatically roll TCD's without notifying Treasury.

Proposed Completion Date : FY 2004

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**Recommendation 2** : *Receivables* - We recommend that the CNMI's Department of Finance review all outstanding receivables from federal agencies for propriety and collectibility. All valid receivables should be submitted to the various federal agencies for collection. All other balances should be written off in the General Fund.

**Agency to Act/  
Contact Person(s)** : Department of Finance - Acting Director of Finance & Accounting

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Single Audits of the CNMI for FY 1997 - FY 2002.

**Agency Response/ Corrective Action Plan** : We are in the process of reviewing grant receivable balances on our books and adjusting balances that are not valid. Our analysis indicates that the old grant receivables are mainly the result of grant receipts not being posted to the proper grant year resulting in one year's grant receivable being overstated and the next year understated. We feel the total net adjustment to receivables will be minimal.

Proposed Completion Date : FY 2005

**Recommendation 3** : *Receivables* - We recommend that CHC implement procedures to ensure that all billings are processed on a timely basis, and that standard procedures be implemented to follow-up on aged accounts. Accounts determined to be uncollectible should be written off.

**Agency to Act/ Contact Person(s)** : Department of Public Health - Acting CHC Chief Financial Officer

**Current/Prior Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1995 - FY 2002.

**Agency Response/ Corrective Action Plan** : DPH agrees with the findings but has made major progress in the past years in correcting the problems. It should be noted that the receivable balance declined by almost \$25 million from the previous year. Implementing policies and procedures, as recommended by the auditors, will help but will not resolve the backlog in the processing of bills or decrease the huge outstanding receivable. The cause of the problem is a combination of inefficiency of the present computer billing system, inadequate FTE's in the Billing and Collection Office, non-payment of bills by the Government Health Insurance (GHI) program and inclusion of Medicaid expenditures beyond the annual cap as receivables. Medicaid expenditures above the annual cap represent over one third of the total receivable and GHI represents fifty percent of the remaining outstanding receivable. Improving the computer billing system and resolving the huge outstanding balance with GHI is included as a major task in the CNMI wide Financial Management Improvement Plan. A new faster, larger capacity computer system has been installed and data migration/conversion completed. CHC is now in the process of installing software upgrades for accounts receivable, third party billing, laboratory and pharmacy. CHC has formed a Revenue Enhancement Committee to review all aspects of the collection and billing process, fee schedules and other revenue enhancement matters. An RFP for consultant services for the technical and programmatic evaluation of the hospital financial management system has been issued.

No completion date can be projected at this time.

**Recommendation 4** : *Due to Component Units* - We recommend that the Department of Finance review all transactions with PSS and reconcile differences in a timely manner.

**Agency to Act/ Contact Person(s)** : Department of Finance - Secretary of Finance

**Current/Prior Year Status** : Unresolved

**Agency Response**

**Corrective Action Plan :** We agree that there is a difference between PSS and DOF records regarding amounts transferred. However, we disagree that lack of reconciliation is the criteria or cause. The amounts are reconciled but PSS is reluctant to make the corrections proposed as it reduces their receivables. \$683,437 is the FY95 carry forward balance difference between PSS and CNMI books and PSS cannot provide support for this amount. \$325,043 is due to PSS not reducing their FY96 appropriation by the 1% withheld for the Public Auditor. As noted in the finding, the difference of \$584,796 is a timing difference where PSS recorded a transfer made to them subsequent to 9/30/03 as received prior to year end.

Proposed Completion Date : FY 2004

**Recommendation 5 :** *Inventories* - We recommend that CHC establish policies and procedures to ensure timely reconciliation of physical inventory counts with the general ledger.

**Agency to Act/  
Contact Person(s) :** Department of Public Health - DPH Technical/Financial Analyst

**Current/Prior  
Year Status :** Unresolved - Reported as Finding in the Single Audit of the CNMI for FY 1994 - FY 2002.

**Agency Response/  
Corrective Action Plan :** The Department of Public Health has provided the Department of Finance with a copy of the FY2004 actual inventory results so that the general ledger balances can be adjusted to the actual inventory results.

Proposed Completion Date : FY 2004

**Recommendation 6 :** *Advances* - We recommend that the CNMI's Department of Finance ensure that a detailed subsidiary ledger properly supports advances to vendors.

**Agency to Act/  
Contact Person(s) :** Department of Finance - Acting Director of Finance & Accounting and the Director of Procurement and Supply

**Current/Prior  
Year Status :** Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 2001 and FY 2002.

**Agency Response/  
Corrective Action Plan :** This finding is related to finding 2003-9. We are currently reconciling the advance to vendors and received not vouchered accounts and making adjustments. Even though the expense is posted during the receiving function, it appears that the debit advance amount is not being closed for prepaid items, leaving an offsetting credit open in the received not vouchered account. We are reviewing FMS procurement receiving procedures to determine if modifications need to be made to handle receipt of prepaid items. Reconciliation procedures will be developed to reconcile the advance to vendors and received not vouchered account balances.

Proposed Completion Date : FY 2005

**Recommendation 7 :** *Advances* - We recommend that the Department of Finance review all advances outstanding for more than one year, evaluate their collectibility, and write off any amounts deemed uncollectible. In addition, we recommend that the Department of Finance consider payroll deductions as a way of collecting long outstanding



advances and that policies and procedures be implemented and enforced requiring the timely liquidation of all travel advances.

**Agency to Act/  
Contact Person(s)** : Department of Finance - Acting Director of Finance & Accounting

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1987 - FY 2002.

**Agency Response/  
Corrective Action Plan** : We agree that the travel advance balance needs to be adjusted for old balances and that most these old balances cannot be adequately documented. However, we disagree that policies and procedures are not in place for currently issued advances. We have implemented automated sub ledgers by traveler for our travel advance accounts. This was completed in FY99. Advance and voucher filing procedures are now being enforced so that new advances are not issued if there are pending outstanding advances. Payroll deductions are being made if vouchers are not filed in a timely manner. We are reviewing and clearing old balances. Outstanding advances were reduced by \$500,000 during FY99, \$200,000 in FY2000, \$777,000 in FY2001, and an additional drop of \$350,000 in FY2002. The outstanding advance balance remained about the same in FY2003 as the most difficult items to clear remain. The amount outstanding more than one year is reserved against fund balance on the balance sheet.

Proposed Completion Date : FY 2005

**Recommendation 8** : *Other Liabilities and Accruals* - We recommend that the CNMI's Department of Finance establish policies and procedures to ensure adequate recording of liabilities for goods received by the Division of Procurement and Supply.

**Agency to Act/  
Contact Person(s)** : Department of Finance - Acting Director of Finance & Accounting, and the Director of Procurement and Supply

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1999 - FY 2002.

**Agency Response/  
Corrective Action Plan** : This is related to Finding 2003-7. We are reviewing FMS procurement receiving procedures to determine if modifications need to be made to handle receipt of prepaid items. It appears that the debit advance amount may not be closed for prepaid items leaving an offsetting credit open in the received not vouchered account. We are reviewing and adjusting balances where needed. Reconciliation procedures will be developed to reconcile received not vouchered balances on a monthly basis.

Proposed Completion Date : FY 2005

**Recommendation 9** : *Fund Balance* - We recommend that all ongoing construction projects be monitored and documented by the Department of Finance, and that a quarterly report be prepared for the Secretary of Finance.

**Agency to Act/  
Contact Person(s)** : Department of Finance - SOF Office Financial Manager

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1997 - FY 2002.

**Agency Response/  
Corrective Action Plan** : The FY 97 conversion of remaining appropriation balances for local CIP projects was incorrectly done. We have completed researching the correct remaining balances and have included these balances in our quarterly reporting for FY 2003. All FMS corrections should be completed in FY 2005.

Proposed Completion Date : FY 2005

**Recommendation 10** : *CNMI Local Noncompliance* - We recommend that the Department of Finance ensure that sufficient documentation is obtained and periodically updated to demonstrate compliance with Public Law No. 12-61 requirements.

**Agency to Act/  
Contact Person(s)** : Department of Finance - CNMI Treasurer

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1996 - FY 2002.

**Agency Response/  
Corrective Action Plan** : We are currently working with our banks to simplify collateralization agreements. The current practice of requiring a listing of specific securities requires constant updating of the listings as securities mature or are bought and sold. The State of Hawaii uses a three party agreement between the state, its banks and the bank's depository bank for Federal Reserve clearings that guarantees the amount of securities necessary to collateralize the state's deposits are reserved. We feel this arrangement will conform to the public law and simplify the collateral arrangements for both the bank and the CNMI Government.

Proposed Completion Date : FY 2005

**Recommendation 11** : *CNMI Local Noncompliance* - We recommend that the Department of Finance only authorize expenditures to be incurred in the fiscal year that can be reasonably determined and within budget allotments.

**Agency to Act/  
Contact Person(s)** : Department of Finance - Secretary of Finance  
Office of Management and Budget - Special Assistant for Management and Budget

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 2000 - FY 2002.

**Agency Response/  
Corrective Action Plan** : Total expenditures and transfers were within total allotments. The individual categories noted were over the amounts budgeted for those activities but offset by under expenditures in other categories. Utility expense was appropriated by the Legislature at \$5,000,000 in P.L. 13-24 even though actual expenditures were averaging \$11 million annually. The \$6,262,850 expenditure over the appropriation was offset by under expenditures in other programs. While specific areas in Rota and Tinian are shown as over budget, these are offset by under expenditures in other areas in each senatorial district. The respective mayors have reprogramming authority for these funds so OMB and DOF control at the senatorial district level. Other programs are noted as being \$1,590,508 over budget. This is the result writing off \$1,802,959 in returned checks which is an unbudgeted item.

Proposed Completion Date : FY 2004

- Recommendation 12** : *Eligibility* - We recommend that management establish procedures for timely communication of amended program requirements with the pertinent divisions. [Nutrition Assistance Program/CFDA #10.551]
- Agency to Act/  
Contact Person(s)** : Division of Nutrition Assistance Program - CU Supervisor
- Current/Prior  
Year Status** : Unresolved - Reported as a Finding in the Single Audit of the CNMI for FY 2002
- Agency Response/  
Corrective Action Plan** : NAP agrees with finding case # 06548 (ATP #275874), # 04728 (ATP # 274552), # 00325 (ATP # 379767). A special report is being printed on a monthly basis for the Eligibility Worker to be reminded on the expiration of the work registration referrals. This procedure helps eliminate the overdue date of the work registrations. In the report, it indicates the individual's name, referral and register date. Also, it specifies the due date of the referral. This procedure is supposed to help reduce the discrepancies in the work registration requirements.
- NAP is in the process of upgrading the computer programs by putting up the specific sub-programs in the system to display and detect the due dates of the work registrations in each and every case. Due dates will be illustrated in the Turn-around Documents of which each Ews will be able to detect the expiration date during the face to face interview with the applicants. This shall also apply to other documents such ZIQs (Zero Income Questionnaires), affidavits, BCs, SS, etc.
- Proposed Completion Date : Implementation of the sub-program for detection of due dates for work registrations and ZIQs is tentatively to be completed before the end of April 2005.
- 
- Recommendation 13** : *Accounts Payable/Allowable Costs/Cost Principles* - We recommend the Medicaid Office ensure all billings received are reviewed and forwarded to the Department of Finance in a timely manner to ensure expenditures are properly recorded. [Medical Assistance Program CFDA #93.778]
- Agency to Act/  
Contact Person(s)** : Medicaid - Medicaid Administrator
- Current/Prior  
Year Status** : Unresolved
- Agency Response/  
Corrective Action Plan** : We disagree with the audit finding. The Medicaid funding for the Territories is capped and even if we received the billings within a fiscal year and we exhausted our Medicaid funding which also includes the state match requirements, we have to do a carryover of the billings because we do not have funding for that fiscal year and we have been doing this since the implementation of the Medicaid Program. The billing comes in batches and we only stamp the summary sheet of the batches and not the actual billings because it is a lot. Also, based on our CNMI General Waiver and Operational Plan, page 4 states that in June 1989, CNMI Governor Pedro P. Tenorio wrote to Mr. Louis B. Hays, Acting HCFA Administrator, requesting a "waiver and modification of the Title XIX provisions" and included "a proposed operational plan which describes how the Medicaid Program would operate in the Northern Marianas". This request was approved and on October 1, 1989, the CNMI implemented the Medical Assistance for the Needy (MAN) Program under the approved Operational Plan and on page 4, Section (B) Waiver Granted: CNMI was granted a waiver under Section 1902 (j) of the Social Security Act from all Title

XIX program requirements except the three specific provisions that cannot be waived and operated the Medicaid Program as described in the Operational Plan.

Waiver of timely payment of claims by Fed's appears to allow payment of prior year claims. Billings received but not paid in a given year are an unfunded liability which could be disclosed in a footnote. It appears future Medicaid funding will be used to pay unpaid current billings.

Proposed Completion Date : FY 2006

**Recommendation 14** : *Allowable Costs/Cost Principles* - We recommend that control procedures be clearly defined and communicated over verification of services charged to the Medicaid Program. In June 2003, the Medicaid Office implemented procedures for verification of rates charged by service providers. [Medical Assistance Program, CFDA #93.778]

**Agency to Act/  
Contact Person(s)** : Medicaid -Medicaid Administrator

**Current/Prior  
Year Status** : Unresolved - Reported as finding in the Single Audit of the CNMI for FY 2002.

**Agency Response/  
Corrective Action Plan** : We agree with the audit finding. However, in January 2005, the one service provider who submits a spreadsheet for billing purposes also submits required invoices. We have checked with the one service provider on how much would it cost to purchase the same program server they used for the Medicaid billing process and it will cost us \$12,000. We cannot afford this program with our limited funding. However, he will check if he could print out the master drug listing out from their program server and see if it meets our requirements as specified in our Provider Agreement Contract.

Proposed Completion Date : FY 2006

**Recommendation 15** : *Cash Management* - We recommend that procedures be established to ensure cash advances are disbursed within a timely manner. [Medical Assistance Program, CFDA # 93.778]

**Agency to Act/  
Contact Person(s)** : Department of Finance - Secretary of Finance, and the CNMI Treasurer

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audit of the CNMI for FY 2002.

**Agency Response/  
Corrective Action Plan** : CNMI policy is to disburse advance Federal funds as close to receipt of funds as possible. We will review our procedures with appropriate staff to minimize the timing differences. In the case of Medicaid, we do not feel we receive advance funds. Due to insufficient funding, the Commonwealth Health Center does not receive Medicaid reimbursements so that grant funds can be utilized to pay non governmental providers. When drawdowns are requested, CHC has already spent many times more than the drawdown amount on Medicaid services. Rather than reimburse the Commonwealth Health Center, grant and matching funds are used to pay non CNMI Government vendors.

Proposed Completion Date : FY 2004

**Recommendation 16** : *Cash Management* - We recommend the Department of Finance establish policies and procedures to ensure compliance requirements are met. [Technical Assistance Grants, DOI and Covenant Capital Projects CFDA #15.875]

**Agency to Act/  
Contact Person(s)** : Department of Finance - Secretary of Finance

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : The CNMI's general policy on Federal grant payments is to draw down funds on a reimbursement basis or as close to the actual disbursement as possible. This is evidenced by the fact that a substantial overall receivable is shown from Federal grantor agencies each year in the Single Audit. The financial statement section of this audit (FY 2003) shows receivables from Federal agencies of \$5,827,530 for categorical grants and \$14,088,856 for capital improvement projects as of September 30, 2003. For DOI Technical Assistance grants, the audit report shows \$1,259,634 in receivables. DOI requires these grants to be drawn down on a reimbursement basis. The vouchers in this finding all relate to DOI Capital Improvement Project Grants which had an overall receivable balance of \$14,088,856 as of the audit date.

We feel the audit technique of selecting specific invoices is flawed in that the overall program expenditures versus drawdowns is not considered. The agency may not have made payments for other expenditures. Our review of program net balances showed a Federal receivable balance at the end of each month end period during FY 2003 for the programs noted in the findings. Since the Federal agencies also have responsibilities to disburse requested funds in a timely manner, we think the audit testing should include the date the drawdown was requested as well as when it was received. The finding itself indicates "Federal Agencies shall deposit funds in a State account the next business day after receiving a request for funds." DOI does not deposit until three business days after receiving the drawdown in the best of circumstances. In our discussions with DOI regarding their expectations on timing of disbursements, they say disbursement should be made within a reasonable time period after receipt of funds. Their definition of reasonable is 3-5 days.

We have been working with U.S. Treasury regarding implementation of the Cash Management Improvement Act (CMIA) for CNMI. Federal agencies would owe interest under the CMIA for drawdowns not remitted within the time frame shown in the Treasury-State agreement as well as CNMI owing interest if we do not disburse Federal Funds within the agreed period. There seem to be different expectations between U.S. Treasury and our grantor agencies and this needs to be resolved. A representative from U.S. Treasury will be here in April 2005 to provide technical assistance in this regard. A particular problem for us relates to the dollar amounts being disbursed. The invoices selected all relate to large contribution projects where substantial payments were due to the vendor. Many of the payments selected also include a local share that must be drawn down from our bond trustees. DOI has instructed us not to release the Federal portion of the payment until the local matching bond draw down is received. Advance payment in these cases would disrupt our cash flow for normal payments and payroll. We try to time our disbursement to receipt of the Federal and bond drawdown cash but do wait for the cash to be deposited in the CIP drawdown account before releasing the check.

Proposed Completion Date : FY 2005

**Recommendation 17** : *Eligibility* - We recommend that procedures be established to provide for independent review of information posted to the eligible participant list. The person performing the review should be independent of the data entry process. Specifically, it is recommended that a sample of posted information be traced to the original manual documents on a periodic basis. These tests, if performed, should be documented. We further recommend that controls be implemented to restrict access to the database to authorized personnel. [Medical Assistance Program, CFDA #93.778]

**Agency to Act/  
Contact Person(s)** : Medicaid - Medicaid Administrator

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audit of the CNMI for FY 2002.

**Agency Response/  
Corrective Action Plan** : We disagree with the audit finding. Our computer technician did a survey on our computers and recommended that we should upgrade our computers or purchase new computers since he cannot install Windows 2000 which will prevent unauthorized users to or restrict access to the database to only authorized personnel. Most of our computers are old and could not be upgraded. We will look for funding to purchase new computers. However, updates to the database are only made by eligibility workers and the administrative clerk reviews or test checks the information posted to the database. The accounting staff are only restricted access to the database for verifying eligibility and third party liability information.

Proposed Completion Date : FY 2006

**Recommendation 18** : *Equipment and Real Property Management* - We recommend that the CNMI perform an inventory of its fixed assets and ensure compliance with applicable federal property rules and regulations. [Nutrition Assistance Program CFDA #10.551/Consolidated Grant, CFDA #66.600]

**Agency to Act/  
Contact Person(s)** : Department of Finance - Director of Procurement and Supply

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 1987 - FY 2002.

**Agency Response/  
Corrective Action Plan** : The new CNMI Property and Procurement Procedures manual was issued in January 2003. The established inventory procedures are for Procurement & Supply to prepare and distribute inventory listings to each accountable activity, the activities to perform an inventory and submit any changes to Procurement & Supply. The Property Management Branch is in the process of implementing this policy.

Proposed Completion Date : Ongoing

**Recommendation 19** : *Procurement and Suspension and Debarment* - We recommend that the CNMI ensure that contracts funded by federal grants specify compliance with all applicable federal laws. [DOI and Capital Improvement Projects, CFDA #15.875]

**Agency to Act/  
Contact Person(s)** : Department of Finance - Director of Procurement & Supply

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 2000 - FY 2002.

**Agency Response/  
Corrective Action Plan** : Contracts noted are construction contracts. While the Clean Air Act is not specifically cited, paragraph 27 of construction contract general terms requires contractor to be familiar with and comply with all Federal laws and regulations that affect the conduct of the work.

Proposed Completion Date : Already in compliance.

**Recommendation 20** : **Reporting** - We recommend that the Department of Finance implement procedures that ensure required federal financial reports are filed. [DOI and Capital Improvement Projects, CFDA #15.875]

**Agency to Act/  
Contact Person(s)** : Department of Finance - Acting Director of Finance & Accounting  
Office of the Governor - CIP Coordinator  
Fish & Wildlife: Brown Tree Snake/Coral Reef  
Coastal Resources Management: Coral Reef

**Current/Prior  
Year Status** : Unresolved - Reported as a finding in the Single Audits of the CNMI for FY 2000 - FY 2002.

**Agency Response/  
Corrective Action Plan** : During the audit period, the SF 269/270 reports were only required at the completion of each CIP project. The format of the quarterly reports submitted is acceptable to DOI as more than one project is being reported under each grant.

Procedures are in place regarding completion of federal financial reports. In most cases verbal or email approvals of reporting extensions are obtained. We have reminded appropriate staff of the importance of documenting extensions received in the grant files.

The narrative reports are the responsibility of the agencies administering the grants. Coastal Resources Management has indicated they are in the process of updating all of the required reports. We have been unable to obtain a response from the DLNR Brown Tree Snake program.

Proposed Completion Date : CNMI is in compliance with DOI reporting requirements. Ongoing.

**Recommendation 21** : **Reporting** - We recommend that the federal financial reports submitted to the grantor reflect actual transactions recorded in the general ledger and that all transactions are properly supported. [Technical Assistance Grants, DOI and Capital Improvement Projects CFDA #15.875]

**Agency to Act/  
Contact Person(s)** : Office of the Governor - CIP Coordinator

**Current/Prior  
Year Status** : Unresolved - Reported as a Finding in the Single Audits of the CNMI for FY 2000 - FY 2002.

**Agency Response/  
Corrective Action Plan** : Differences occurred due to entries made after report prepared but back dated in the FMS and misposting of drawdowns and Federal/Local share. Correcting entries will be made where needed. In most cases, the differences correct themselves on a cumulative basis.

Proposed Completion Date : FY 2004

<b>Recommendation 22</b>	:	<b>Reporting</b> - We recommend the Department of Finance ensure all grant reporting requirements are strictly adhered to. [Consolidated Grant CFDA #66.600]
<b>Agency to Act/ Contact Person(s)</b>	:	Department of Finance - Acting Director of Finance & Accounting Division of Environmental Quality
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	We will make every effort to insure required reports are submitted in a timely manner. We have reminded appropriate staff of the importance of documenting extensions received in the grant files. As noted in the finding, the total reported reflected adjustments after September 30, 2003.  The narrative progress reports are the responsibility of the agency administering the grant (DEQ).  Proposed Completion Date : FY 2004
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<b>Recommendation 23</b>	:	<b>Reporting</b> - We recommend that steps be taken to ensure information reported to the grantor is based on the CNMI's financial records as of a specified period. [Medical Assistance Program CFDA #93.778]
<b>Agency to Act/ Contact Person(s)</b>	:	Medicaid - Medicaid Administrator Department of Finance - Acting Director of Finance & Accounting
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a finding in the Single Audit of the CNMI for FY 2002.
<b>Agency Response/ Corrective Action Plan</b>	:	We will make every effort to insure required reports are submitted in a timely manner. This applies to the PMS-272 reports. It appears from Medicaid's documentation the finding related to late submission of the CMS-64 report should be removed as it was submitted electronically on January 31, 2003.  The differences noted between CMS-64 report and G/L relate to adjustments posted subsequent to the report being prepared.  Proposed Completion Date : FY 2004
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<b>Recommendation 24</b>	:	<b>Special Tests and Provisions</b> - We recommend that the CNMI ensure that NAP Authorized Retailers are in compliance with all eligibility requirements. If certain requirements may not be met, the grantor agency should be consulted. [Nutrition Assistance Program/CFDA #10.551]
<b>Agency to Act/ Contact Person(s)</b>	:	Division of Nutrition Assistance Program - R&R Officer
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Single Audits of the CNMI for FY 2001 and FY 2002.
<b>Agency Response/ Corrective Action Plan</b>	:	1. NAP agrees with the finding that only nine (9) of the twelve (12) NAP authorized retailers tested were in compliance with the 10% requirement of local food products from gross sales. However, on the newly revised Manual of Operations (Section X.A.iii), contained a clause indicating that such requirement may be waived at NAP's discretion if necessary for good cause.



For example, the location of the retail store, no other authorized retailer within that area. From July to December is typhoon season in the Marianas. During this time of the year, fishermen hardly go out due to rough waters and local produces are scarce because of heavy winds and floods. In Rota and Tinian, almost every household are engaged in traditional fishing and farming and retailers have a difficult time selling local fish and produces. Therefore, authorized retailers purchase very minimal local products to sell because most of the time they become spoil and not sold.

- b. NAP also agrees with the finding that the Quarterly Compliance Visits were performed, however, the deadlines for each of the four (4) quarters were not met due to lack of manpower. There are only two (2) FTEs assigned to our Unit and with the significant increase in participation and redeemed NAP coupons, requiring us more time on NAP coupon verification and the verification of the Weekly Redemption Reports and the bank statements among other critical tasks. On several occasions, R & R Administrative Assistant is also assigned to assist with either the Issuance Unit or the Certification Unit whenever they are in need of assistance.
- c. NAP agrees with the finding that the monthly on-site inspections were not performed in a timely manner and that not all on-site inspections were conducted during the FY 2003 due to the same conditions with No.2.

Proposed Completion Date : First, NAP is in compliance with 10% requirement of local food products from the gross sales based on the newly revised Manual of Operations (X.A.iii), which contained a clause indicating that such requirement may be waived at NAP's discretion if necessary for good cause. On the other finding, regarding deadlines of compliance visits, NAP has included in the FY2006 proposed budget to the grantor agency for approval.

**Recommendation 25** : *Special Tests and Provisions* - We recommend DEQ ensure all grant compliance requirements are strictly adhered to. We also recommend subsequent changes be reported to the grantor to ensure approval of expenditures. [Consolidated Grant CFDA #66.600]

**Agency to Act/  
Contact Person(s)** : Division of Environmental Quality

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : An accounting of all program income earned and a description of how funds have been used was provided February 11, 2003 and May 22, 2003 by fax.

Please be advised that all personnel salaries and benefits to be charged under the program income account must first be approved by our grantor agency. Program income reports are discussed with the grantor agency on every mid-year and end of year reviews. Budget is always discussed during these reviews.

Proposed Completion Date : FY 2004

**Recommendation 26** : *Special Tests and Provisions* - We recommend DEQ obtain a copy of the Hotel and Motel Fire Safety Act of 1990 to ensure compliance with grant requirements. [Consolidated Grant CFDA #66.600]

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<b>Agency to Act/ Contact Person(s)</b>	:	Division of Environmental Quality
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	A copy of the Hotel and Motel Act of 1990 has been obtained and provided to you.  DEQ ensured that all conference, meeting, convention or training spaces used were in compliance with the Act.  Proposed Completion Date : FY 2004

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<b>Recommendation 27</b>	:	<i>Special Tests and Provisions</i> - We recommend that policies and procedures be established for system security, which would address and reduce risks involved with the ADP system. [Medical Assistance Program CFDA #93.778]
<b>Agency to Act/ Contact Person(s)</b>	:	Medicaid - Medicaid Administrator
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	We agree with the finding. The Medicaid Office is in the process of procuring new computers that will provide user security functions. User security is not available on the old system. In conjunction with the installation of the new computers, backup and security procedures will be updated.  Proposed Completion Date : FY 2006

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# Commonwealth Development Authority

## Status of Prior Year Audit Findings:

In the Annual Financial & Compliance Audit of CDA for FY 2004, a summary schedule showing the status of prior year audit findings for FY 2003 were reported. Of the 4 audit recommendations issued in FY 2003, 3 were resolved and 1 was still unresolved and repeated as an audit finding in the FY 2004 audit of CDA. Details of the FY 2003 prior year audit findings can be obtained upon request from OPA.

## Annual Financial & Compliance Audit in Accordance with OMB-A-133 Fiscal Year Ended September 30, 2004 Conducted By: Deloitte.

Date(s) of followup letter(s) sent : 8/9/05, 9/6/05 (Deloitte re: CDA response)

Date(s) of response letter(s) received : 8/22/05, 8/23/05, 9/23/05

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**Recommendation 1** : *Receivables* - We recommend that follow-up procedures on past due loans be adhered to. We recommend that evaluations be performed on these loans and a corrective action plan be developed and documented. Future results may be compared against this plan and actions taken by management as deemed necessary. Legal action should be considered for those loans which are considered unlikely to be serviceable by the borrower.

**Agency to Act** : Commonwealth Development Authority

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CDA for FY 1994 - FY 2003

**Agency Response/  
Corrective Action Plan** : The Loan Department continues to do its loan servicing. Clients have been contacted to come to the office and try to establish workable solutions to bring their accounts to current. Aging letters of 30, 60 and 90-day delinquency and loan statements as well are mailed to clients on a monthly basis. Field visits are conducted so that a better communication system may be established with the clients to have a better understanding of their business situation and financial conditions. Intern services from the Pacific Business Center Program of the University of Hawaii are maximized by conducting educational assistance such as workshops and working on a one to one basis with our clients. After all means have been exhausted, accounts that are 120 days in arrears are referred to Legal Counsel for litigation. All accounts are carefully scrutinized and analyzed in how best the clients can be assisted to pay their accounts or improve existing business conditions. The Loan Manager has exemplified the performance of this department in trying to improve better client relationship and gradually reduce the delinquency rate. The process will take time before it will come to fruition due to no loan servicing being done in the past.

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**Recommendation 2** : *Receivables* - We recommend that management evaluate the existing computerized calculation of loan loss reserve, identify areas where errors are likely to occur and adopt and implement corrective measures and actions. We also recommend that

management ensure that periodic reviews and assessments of adequacy of the loan loss reserve be performed.

**Agency to Act** : Commonwealth Development Authority

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : CDA determined that the computerized Loan Loss Report did not include matured loans in the calculation for the loan loss. This was the reason for the understated booking of the loan loss reserve. The programmer was contacted to modify the program to include matured loans. The exclusion of matured loans was intended due to the fact that those loans were actually matured and must be categorized as non-performing loans. Effective with the modification of the Loan Loss Program, the loan loss calculation will included all matures loans.

**Recommendation 3** : *Procurement and Suspension and Debarment* - We recommend that NMHC ensure strict compliance with the requirements of the Common Rule and the CNMI-PR on competitive bidding. [Community Development Block Grant / CFDA #14.225]

**Agency to Act** : Northern Marianas Housing Corporation

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : NMHC ensures strict compliance with requirements of the Common Rule and the CNMI-PR on competitive bidding. This condition was an issue due to leaks and possible cracks in the building causing water to seep. Management was called upon to act and needed the building repaired immediately because the community was going to hold a large function at the Center. The air conditioning was also not working and the main assembly hall was very hot. The engineer that was called in to do the assessment was also the engineer that designed and acted as construction manager during construction. The engineer, members of the Kagman Association, and management met to discuss the problem. Since the engineer did the assessment and came up with some recommendations to correct the problem, the same engineer did the oversight of the work. Quick action needed to be done. The engineer was given the responsibility to review the work of the contractor for general repairs and another company for the air conditioning. NMHC did speak to CNMI Procurement discussing the initial contract under this project that it was like an extension of the original contract. Also, it was anticipated that the cost was within the amount needing only a purchase order. We did contact some alternative sources to get quotations. The information we received was that it would cost NMHC significantly more because they would have to review and evaluate all of the construction plans, drawings and specifications. If we were to bid the project, it would have taken longer. We didn't have funding allocated specifically for this project to oversee the repairs and air conditioning these came from CDBG administration. It was management's decision to act quickly and not to solicit bids or proposals. In urgent and critical cases, Procurement generally grants its approval for us to proceed. NMHC gives its assurances that every project executed or to be executed by NMHC meets the Common Rule and CNMI-PR requirements.

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<b>Recommendation 4</b>	:	<b>Reporting</b> - We recommend that management ensure proper reporting of expenditures on SF-272's to HUD. We also recommend that management separately account for and monitor administrative costs incurred per specific grant programs. [HOME Investment Partnerships Program, CFDA#14.239]
<b>Agency to Act</b>	:	Northern Marianas Housing Corporation
<b>Current/ Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	NMHC management ensures proper reporting of expenditures on SF-272s to HUD. NMHC did reconcile expenditures versus revenue prior to reporting to HUD and implemented supporting documents for justification of allowable cost for all grant expenditures.

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## Commonwealth Government Employees Credit Union

**Annual Financial & Compliance Audit  
in Accordance with OMB-A-I33  
Fiscal Year Ended December 31, 1997  
Conducted By: Burger & Comer, P.C.**

Date(s) of followup letter(s) sent : 7/12/00, 1/22/01, 8/23/01, 3/5/02, 8/9/02, 2/12/03, 8/4/03, 4/13/04, 9/27/04

Date(s) of response letter(s) received : 4/2/01 (follow-up telephone conversation)

**Recommendation 1** : *Reconciliation of General Ledger to Subsidiary Ledgers* - CGECU should ensure that the general ledger balances for loans and deposits are reconciled with the subsidiary ledgers on periodic basis.

**Agency to Act** : Commonwealth Government Employees Credit Union

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CGECU for FY 1995

**Agency Response/ Corrective Action Plan** : The Credit Union will replace the software with a more advanced one that will produce accurate daily, monthly and yearly reports. With these type of reports, subsidiary ledgers can easily be balanced with the general ledger.

**Recommendation 2** : *Accrued Interest Receivable* - CGECU should reconcile the general ledger with the subsidiary ledger on a monthly basis after all audit adjustments for FY 1997 are posted.

**Agency to Act** : Commonwealth Government Employees Credit Union

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CGECU for FY 1995

**Agency Response/ Corrective Action Plan** : With the new software, CGECU will be able to printout accrued interest receivable on loans with payments not sufficient to cover interest accrued through the end of the month. The general ledger balance will be reconciled with the loan trial balances on a monthly basis.

**Recommendation 3** : *Accounting for Loan Fees and Loan Origination Costs* - CGECU should follow the guidance in FASB Statement No. 91, and should amortize deferred loan fees into income as an adjustment of interest income.

**Agency to Act** : Commonwealth Government Employees Credit Union

**Current/Prior Year Status** : Unresolved

**Agency Response/**

**Corrective Action Plan :** With the help from an accounting firm staff, CGECU has complied with Financial Accounting Standard Board (FASB) Statement No. 91 for the year 1998 and will continue to comply with this statement.

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## Commonwealth Ports Authority

### *Status of Prior Year Audit Finding:*

In the Annual Financial & Compliance Audit of CPA for FY 2004, a summary schedule showing the status of the prior year audit finding for FY 2003 was reported. Based on the summary schedule, corrective action was taken for the recommendation issued in FY 2003. Details of the FY 2003 prior year audit finding can be obtained upon request from OPA.

### **Annual Financial & Compliance Audit in Accordance with OMB Circular A-133 Fiscal Year Ended September 30, 2004 Conducted By: Deloitte.**

Date(s) of followup letter(s) sent :

Date(s) of response letter(s) received :

**Recommendation I** : *Notes Payable* - CPA management should meet with CDA to obtain resolution of the current payment structure to ensure CPA's compliance with the agreement.

**Agency to Act** : Commonwealth Ports Authority

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : Cash flow constraints made it difficult for CPA to pay its required last quarter of payments of \$204,113 to CDA due to the following circumstances:

1. Damage sustained by the seaports from Typhoon Tingting and Typhoon Chaba. Rota seaport sustained \$1.7 million in estimated typhoon damage. Tinian Harbor sustained over \$7 million in estimated typhoon damages. Saipan Harbor sustained close to \$200,000 in typhoon damage.
2. \$250,000 matching 25% share that CPA has to come up with in order to avail of disaster assistance funding from FEMA. FEMA decided to fund up to only 75%, or \$750,000, of CPA's insurance deductible to repair the damage caused to the harbors by Typhoon Tingting and Typhoon Chaba. FEMA decided to only fund a maximum of a 75% share of the insurance deductible even before settlement was reached on CPA's insurance claim. CPA will appeal FEMA's decision.
3. Increase of \$340,763, or 71%, in the seaport insurance premium caused by the filing of typhoon damage insurance claim prior to renewal of insurance in October 2004. Insurance premium increased from \$479,295 in FY 2004 to \$820,058 in FY 2005.
4. \$71,309 cost to repair dock fenders due to damage sustained by recent typhoons. Repair urgently needed in order to allow vessels to safely dock at the Saipan seaport.

CPA will work with CDA on an agreement for its loan payments.



CPA will request bondholders to approve the temporary suspension of CPA's payments to its Seaport Supplemental Bond Reserve Fund. This temporary suspension will allow CPA to free up its cash flow commitments that will enable CPA to update its CDA loan payments, pay the insurance premium increase and have the matching funds required by the FEMA disaster grant funding in order to initiate urgently typhoon damage repairs to its harbors.

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# Commonwealth Utilities Corporation

## Status of Prior Year Audit Findings:

In the Annual Financial & Compliance Audit of CUC for FY 2003, a summary schedule showing the status of prior year audit findings for FY 2002 were reported. Of the 22 audit recommendations issued in FY 2002, 2 were resolved and 20 were still unresolved and repeated as audit findings in the FY 2003 audit of CUC. Details of the FY 2002 prior year audit findings can be obtained upon request from OPA.

## Annual Financial & Compliance Audit in Accordance with OMB-A-I33 Fiscal Year Ended September 30, 2003 Conducted By: Deloitte.

Date(s) of followup letter(s) sent : 8/9/05

Date(s) of response letter(s) received :

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**Recommendation 1** : *Revenue/Receipts* - We recommend that CUC execute formal agreements with all landowners for the use of land.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/  
Corrective Action Plan** : CUC agrees with the finding. CUC has forwarded all easement disputes on file to outside counsel for immediate resolution. All but two disputes (involving eight accounts) forwarded to counsel have either been resolved or is pending resolution. The unresolved dispute account holders are requesting administrative hearing to resolve their dispute. CUC's administrative hearing officer is handling these accounts.

To prevent the occurrence of future easement claims, CUC requires all new connections to be accompanied with dedication of easement by the applicant or owners of the land. For its own in house projects, CUC has hired an easement specialist to ensure that CUC projects do not encroach private property. For those projects requiring the use of private property, CUC shall formally seek an agreement with the affected parties prior to using such properties.

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**Recommendation 2** : *Purchases/Disbursements* - We recommend that CUC's management establish policies and procedures to centralize receiving of all purchases and properly monitor assets, liabilities and expenses.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/  
Corrective Action Plan** : CUC partially agrees with the finding. CUC's policies and procedures (No. PC-010) state that receiving function will be handled by the warehouse for which the goods are assigned. However, there were instances, especially during emergency situations that the requesting division received the purchased goods. The comptroller met with all the division managers and reiterated the CUC policy on centralized receipts at the warehouse. All items received, both stock and non-stock must be entered in the inventory system for automatic interface to payment processing.

**Recommendation 3** : *Purchases/Disbursements* - We recommend that CUC ensure expenditures are recognized in the proper period and that disbursements are properly certified and supported.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior  
Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/  
Corrective Action Plan** : CUC partially agrees with the finding. CUC prepared a thorough review of all expenditures from federal grant recorded in the books. To get accurate and complete information, CUC got hold of the CIP 702 report prepared by the CNMI Government. In order to reconcile CUC books with CNMI report, adjustments were entered. Since prior years are under audit, all unrecorded prior years' expenditures were taken up in the current year.

**Recommendation 4** : *Payroll* - We recommend that management review the payroll process to ensure all changes to the timesheet edit report are authorized. In addition, we recommend all input of pay rates be performed by the Human Resources Department.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior  
Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/  
Corrective Action Plan** : CUC partially agrees with the finding. Upon review of the procedures, CUC agrees with the finding that the division timekeepers can make changes on the time sheet edit reports subsequent to payroll verification. To address the finding, the Payroll Manager disallows access to time sheet edit after submission of the time sheet edit and time cards to payroll. She restricts them thru the Timekeeper User Security Controls. For next payroll processing, she restores their access necessary for time data entries.

CUC is in the process of purchasing a human resources module to ensure proper segregation of duties in payroll processing. As soon as the new system is installed, the Human Resources Office will be responsible in inputting the approved pay rates in the system. At present, the payroll Section inputs the approved pay rate in the system. Only the Payroll Manager has access in inputting the pay rates in the system. The other payroll personnel are restricted.

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<b>Recommendation 5</b>	:	<b>Payroll</b> - We recommend that CUC ensure that all payroll timesheet/timecard reports, overtime and leave authorizations are properly reviewed and approved by division managers. We also recommend that CUC ensure all payroll deductions are properly supported by employee authorizations maintained in employee personnel files.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. All timekeepers were reminded to ensure that all time cards are signed by the employee and approved by the manager prior to submission to Payroll Section. The Comptroller instructed the Payroll Section to review in detail all the allotment forms kept in the employee's personnel file to ensure that payroll deductions are properly supported by employee authorizations.

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<b>Recommendation 6</b>	:	<b>External Financial Reporting</b> - We recommend that CUC implement a system whereby a receivable/payable account records all cash received from the grantor agency and records all related expenditures. The account should be reconciled on a monthly basis to the Schedule of Expenditures of Federal Awards. Additionally, we recommend that expenditures of the Schedule of Expenditures of Federal Awards be reconciled to capital contribution accounts on a timely basis.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 1990 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC disagrees with the finding. CUC reconciled receivable and payable balances from or to grantor agency for fiscal year ended September 30, 2002. CUC provided the auditors copies these reconciliation schedules including supports to adjustments. CUC implemented a system whereby the Grants Section and project manager/engineers coordinate with the Accounting Section all cash received and payment requests in order to properly monitor the receivable/payable account.  CUC prepares on a monthly basis the Schedule of Expenditures of Federal Awards and reconciles the expenditures to capital contributions accounts.

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<b>Recommendation 7</b>	:	<b>Receivables</b> -We recommend CUC review the government utility accounts in detail with the CNMI to determine proper classification of the accounts and ensure proper billing.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. CUC will initiate discussion with the CNMI Department of Finance to reconcile the outstanding receivable. When completed, the general ledger and chief accountant will prepare the appropriate adjustment.

The adjustment will be subject to review and approval by the Assistant Comptroller or Comptroller.

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**Recommendation 8** : *Receivables* - We recommend that CUC implement policies and procedures to ensure the timely review and resolution of disputed receivable balances. We also recommend CUC review and strengthen its existing controls over meter reading policies and procedures to ensure accurate and timely readings.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2000 - FY 2002

**Agency Response/ Corrective Action Plan** : CUC disagrees with the finding that reconciliation is necessary. However, CUC agrees that disputed balances should be resolved timely.

CUC made adjusting entries for two accounts namely #s 15058-1 and 18802-9 in FY 2004. The account balances now reflect the correct amount due. However, CUC has not yet adjusted the remaining accounts with billing disputes.

CUC currently requires monthly reviews of accounts with disputes. A monthly status report of unresolved disputes is provided to the Executive Director and Comptroller to ensure timely resolution. The Comptroller has been tasked to monitor and ensure that disputes are resolved in a timely manner and that accounts to the CUC Legal Counsel to pursue Collection.

CUC is in the process of reviewing the documents related to the receivables from CPA. The Chief Accountant is tasked to discuss the matter with CPA to resolve this receivable balance.

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**Recommendation 9** : *Receivables* - We recommend CUC evaluate its current accounts receivable allowance assessment policy to consider specific review of individual accounts in the determination of the allowance for doubtful accounts.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : CUC disagrees with the finding. CUC believes that the time frame for the account to hit over 75 days is minimal. Besides, CUC finds the specific review of individual accounts to determine allowance for doubtful accounts tedious and time-consuming. CUC believes that the policy of providing 100% allowance for doubtful accounts for account balances over 75 days is adequate.

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**Recommendation 10** : *Receivables* - We recommend that long outstanding balances included in the accounts as of September 30, 2003 be reviewed and expensed as necessary. We also recommend that these accounts be reviewed on a monthly basis.

**Agency to Act** : Commonwealth Utilities Corporation

<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 1993 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC disagrees with the finding. CUC has provided the auditors the schedule of other receivables on March 28, 2005
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<b>Recommendation 11</b>	:	<b>Inventory</b> - We recommend that final inventory listings reflect the quantities of items counted. We also recommend that the subsidiary ledger be reconciled to the final inventory listing.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 1994 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. CUC has recently hired an accountant dedicated to do inventory analysis and review. He is tasked to implement procedures to ensure that physical counts match the final inventory listing and the withdrawal of inventory is properly recorded. In addition to the procedures to be implemented, the Inventory Accountant has started with the reconciliation of subsidiary ledger to the final inventory listing.
<hr/>		
<b>Recommendation 12</b>	:	<b>Inventory</b> - We recommend that CUC establish and implement policies and procedures for timely reconciliation and investigation of significant variances between inventory balances per general ledger and subsidiary ledger. CUC may consider specifically designating an employee to regularly perform the reconciliation.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. CUC has hired an Inventory Accountant, specifically designated to perform reconciliation procedures on a monthly basis. He is assigned to implement procedures to ensure for timely reconciliation and investigation of significant variances between inventory balances per general ledger and subsidiary ledger. All adjustments in the inventory system are reviewed by him.
<hr/>		
<b>Recommendation 13</b>	:	<b>Inventory</b> - We recommend that temporary facilities be accounted for when dismantled or removed.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2001 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. CUC has hired an Inventory Accountant to review existing procedures to ensure that temporary facilities are accounted for when dismantled or removed. On a monthly basis, he works closely working with the

Power Division's Support Services and Warehouse sections to account for installation and removal of temporary facilities.

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**Recommendation 14** : *Inventory* - We recommend that CUC establish formal policies and procedures for obsolescence review and tracking of inventory movements. We also recommend that CUC establish and maintain an aging analysis to assist in determining potential obsolescence of inventory.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/ Corrective Action Plan** : CUC agrees with the finding. CUC has tasked the Warehouse Manager to segregate all obsolete inventory items. A listing was prepared by warehouse staff and reviewed by the Inventory Accountant. All division managers were required to verify the listing. The Inventory Accountant together with the Warehouse Manager are working on establishing policies and procedures for obsolescence review and tracking of inventory movements.

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**Recommendation 15** : *Inventory* - We recommend that CUC (a) take steps to establish policies and procedures to ensure timely posting of inventory purchases, receipts and issuances; (b) establish a formal review process and monitoring procedures for inventory adjustments; (c) ensure coordination between responsible personnel; and (d) ensure that these policies and procedures are strictly adhered to.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

**Agency Response/ Corrective Action Plan** : CUC agrees with the finding. CUC has recently conducted training on the inventory module to explain the flow of transaction that affects the inventory unit cost. Employees responsible in Accounts Payable, Procurement and Supply and the Warehouse were taught how to process inventory transactions in a timely manner. The training emphasized the effects of timely and accurate encoding of data from the preparation of purchase, receiving and issuing to the encoding of vendor's invoices in the coming up with accurate inventory unit cost. The system generates daily exception report for negative unit costs and negative quantities. The Inventory Accountant will strictly monitor the flow of information processed in the financial modules involved with inventory costing.

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**Recommendation 16** : *Utility Plant* - We recommend that CUC perform a physical inventory of all fixed assets on hand, agree the count with its records and make necessary adjustments. Additionally, we recommend that CUC implement a system of tagging fixed assets and perform periodic counts to ensure existence.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CUC for FY 2002

<b>Agency Response/ Corrective Action Plan</b>	:	<p>CUC agrees with the findings. CUC has been properly capitalizing labor and material charges to its internal construction projects but has been unable to timely close completed projects. CUC has hired a fixed asset/work order accountant to address its timeliness issue.</p> <p>CUC has engaged Deloitte &amp; Touche to perform agreed-upon procedures for CUC relating to fixed asset records. Deloitte assisted us in reconciling and adjusting the fixed assets. CUC recorded adjustments proposed by Deloitte.</p> <p>There is an on-going discussion between CUC and the contractor to resolve the issue on the undelivered waste oil incinerator.</p>
<hr/>		
<b>Recommendation 17</b>	:	<p><b>Utility Plant</b> - We recommend that CUC implement a policy with respect to required insurance coverage levels.</p>
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 1989 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	<p>CUC agrees with the finding. CUC will solicit insurance coverage for its fixed assets. The recommendation has been forwarded to the Procurement Manager to prepare to incorporate into its procurement requirements. This change of policy will be presented to the board for adoption.</p>
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<b>Recommendation 18</b>	:	<p><b>Capital Lease</b> - We recommend that CUC determine the actual cost of the plant, or obtain an appraisal of the plant for purposes of compliance with the Emerging Issues Task Force.</p>
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2000 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	<p>CUC agrees with the finding and will endeavor to determine the fair market value of the Tinian Power Plant.</p>
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<b>Recommendation 19</b>	:	<p><b>Automated Data Processing (ADP)</b> - We recommend that CUC review the need to document in writing its ADP policies and procedures and to develop and adopt a formal Disaster Recovery Plan for its ADP department and to maintain an offsite storage for daily back-up files.</p>
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2001 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	<p>CUC agrees with the finding. CUC's Electronic Data Processing (EDP) Department is working on the Disaster Recovery Plan and Written Automated Data</p>



Processing (ADP) policies and procedures. CUC expects to complete them by the end of FY 2005.

Currently, the daily back-up files are stored in a fire-proof vault at the EDP room. The AS/400 month end and year-end back-up tapes are kept at a local bank on Saipan (off-site storage). In case of disaster, critical software can be reloaded from those back-up tapes.

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<b>Recommendation 20</b>	:	<b><i>Recovery of Labor Costs</i></b> - We recommend that the CUC review the above condition and pursue such if it is deemed to be in the best interest of CUC.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2001 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. CUC has tasked the Grants Section to review costs incurred by CUC on various federally funded construction projects. Requests for reimbursements from grantor agencies will be prepared to recover all CUC-funded expenditures particularly labor costs.

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<b>Recommendation 21</b>	:	<b><i>Collection of Notes Receivable</i></b> - We recommend that the CUC review the above condition and consider establishing procedures requiring periodic review of notes receivable and procedures for pursuit of delinquent accounts.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2001 - FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. The comptroller has tasked the Credit and Collection Section to review long-outstanding promissory notes. Demand letters are issued to customers with delinquent accounts. CUC has engaged the services of a collection agency to pursue more aggressive efforts to collect overdue amounts.

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<b>Recommendation 22</b>	:	<b><i>Board Minutes</i></b> - We recommend that CUC ensure that all board of directors and executive meetings are appropriately and promptly documented.
<b>Agency to Act</b>	:	Commonwealth Utilities Corporation
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CUC for FY 2002
<b>Agency Response/ Corrective Action Plan</b>	:	CUC agrees with the finding. Changes in the format of the board minutes caused the delay in documentation. The Board of Directors has advised the staff responsible in preparing the board minute to ensure prompt transcription. To date, all pending board minutes up to December 2004 were forwarded to the auditors for review.

**Recommendation 23** : *Local Noncompliance* - We recommend that CUC ensure strict adherence to established procurement policies and regulations and ensure that disbursements are properly approved and supported. Additionally, we recommend that CUC ensure all contracts are properly supported with complete procurement files.

**Agency to Act** : Commonwealth Utilities Corporation

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : CUC disagrees with the finding. CUC strictly adheres to procurement policies and procedures. Quotes obtained from bidders (reference Contract No. CUC-EDP-02-C012) are on file. Documents were subsequently found and available for review.

Regarding one expenditure (reference 081803), CUC's executive Director has recused herself from the selection of contractor due to conflict of interest. On August 22, 2003, the Board of Directors unanimously voted to approve the emergency procurement of the selection. A copy of board minutes for said date was forwarded to the auditors.

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# Marianas Public Lands Authority

## Status of Prior Year Audit Findings:

In the Annual Financial & Compliance Audit of MPLA for FY 2002, 3 recommendations issued in FY 2001 remained unresolved and repeated as audit findings in the FY2002 audit of MPLA and 2 were resolved. Details of the FY 2001 prior year audit findings can be obtained upon request from OPA.

## Annual Financial & Compliance Audit Fiscal Year Ended September 30, 2002 Conducted By: Deloitte Touche Tohmatsu

Date(s) of followup letter(s) sent : 9/21/04, 2/15/05, 8/9/05

Date(s) of response letter(s) received :

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<b>Recommendation 1</b>	:	<b>Fund Balance</b> - MPLA should record transactions in the proper period.
<b>Agency to Act</b>	:	Marianas Public Lands Authority
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of MPLA for FY 2001
<b>Agency Response/ Corrective Action Plan</b>	:	MPLA agreed with this finding. Controls and procedures have been implemented in the accounting system to detect and prevent any unrecorded liability at the end of the fiscal year.

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<b>Recommendation 2</b>	:	<b>Receivables</b> - MPLA should review receivable balances and forward overdue accounts to legal counsel for collection in a timely manner, and consider a policy of not accruing late fees on terminated or non-moving account balances for external reporting purposes while continue doing so, if deemed necessary, for internal reporting purposes.
<b>Agency to Act</b>	:	Marianas Public Lands Authority
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of CNMI for FY 1998 and the Audit of MPLA for FY 2000
<b>Agency Response/ Corrective Action Plan</b>	:	MPLA agreed with this finding. Controls and procedures have been implemented in the accounting system to minimize the level of outstanding accounts receivable.

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<b>Recommendation 3</b>	:	<b>Local Noncompliance</b> - MPLA should obtain a legal counsel opinion on the disposition of landing fees on passengers who disembark on Managaha Island.
<b>Agency to Act</b>	:	Marianas Public Lands Authority

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of CNMI for FY 2000 and the Audit of MPLA for FY 2001

**Agency Response/ Corrective Action Plan** : MPLA agreed with this finding. As soon as MPLA determines the nature of the disposition of funds, the issue of ownership to the funds would immediately clear this audit finding.

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# Northern Marianas College

## Status of Prior Year Audit Findings:

In the Annual Financial & Compliance Audit of NMC for FY 2004, a summary schedule showing the status of prior year audit findings for FY 2003 were reported. Of the 20 audit recommendations issued in FY 2003, 14 were resolved and 6 were still unresolved and repeated as audit findings in the FY 2004 audit of NMC. Details of the FY 2003 prior year audit findings can be obtained upon request from OPA.

## Annual Financial & Compliance Audit in Accordance with OMB-A-I33 Fiscal Year Ended September 30, 2004 Conducted By : Deloitte.

Date(s) of followup letter(s) sent : 8/8/05

Date(s) of response letter(s) received :

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**Recommendation 1** : *Fixed Assets* - We recommend that the College institute procedures to substantially identify and determine the cost of its fixed assets. Once valuation and identity have been established, we recommend that the College reconcile the balance of actual fixed assets on hand to the balance of assets recorded in its financial statements.

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of NMC for FY 2001 - FY 2003

**Agency Response/  
Corrective Action Plan** : The college concurs with the finding. Although a physical inventory of fixed assets commenced in FY2004 and continued into FY2005, the lack of adequate financial resources precluded the College in procuring the services of a professional appraiser to appraise its real properties. Additionally, funding for the purchase of the fixed assets module was requested from the College's Planning, Budget and Evaluation Council. Once again funding constraints prevented this body from making the funds available for such purposes in FY 2004 and 2005. Should the necessary funding be identified for this purpose, the College expects to resolve this condition in FY 2006.

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**Recommendation 2** : *Receivables* - We recommend that the College implement procedures requiring periodic review of all receivable balances for validity and collectibility. Accounts determined to be uncollectible should be written off. This process should also address the adequacy of the related allowances for doubtful accounts.

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of NMC for FY 2001 - FY 2003

**Agency Response/  
Corrective Action Plan** : The college concurs with the finding. The College has accumulated numerous large receivable balances over the years on which there has been little to no subsequent collection activity. The College feels however that it has adequately reserved for

these balances. The College has already referred several of these balances to attorneys and collection agencies for further action. The College is of the opinion that there is still potential for recovery on some of these balances and as such is reluctant to write such off. The College however will increase its efforts to collect these balances and periodically review such for the adequacy of related allowances.

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**Recommendation 3** : *Inventory - Bookstore* - The College should adhere to established policies and procedures requiring monthly reconciliation of all general ledger balances to subsidiary detail.

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of NMC for FY 2003

**Agency Response/ Corrective Action Plan** : The College concurs with the finding. Proper accounting of the Book Store's inventory has always proved to be a challenge for the College historically. It is noted however that progress has been made in increasing such accountability through annual and periodic physical inventories being conducted. The College is in the process of transitioning the accounting of the Book Store transactions from the now independent accounting system to the central College wide accounting system. This transfer of the accounting functions is expected to be completed in FY2006. This is expected to resolve the accounting issues at the Book Store.

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**Recommendation 4** : *Allowable Costs/Cost Principle* - We recommend that the College adhere to established policies and procedures to ensure compliance with federal procurement standards. [U.S. Department of Education/Adult Education - State Grant Program/CFDA # 84.002]

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of NMC for FY 2003.

**Agency Response/ Corrective Action Plan** : The College is reviewing the condition noted and the questioned costs. The College will work with the grantor agency to resolve such on finalization of the audit report.

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**Recommendation 5** : *Procurement and Suspension and Debarment* - We recommend that the College adhere to established policies and procedures to ensure compliance with local procurement policy. [U.S. Department of Education/Adult Education - State Grant Program/CFDA # 84.002]

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of NMC for FY 2003.

**Agency Response/ Corrective Action Plan** : The College is reviewing the Condition noted and the questioned costs. The College will work with the grantor agency to resolve such on finalization of the audit report.

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**Recommendation 6** : *Eligibility* - We recommend that the College establish procedures to ensure that files for all students under the program contain adequate documentation to support eligibility requirements. [U.S. Department of education / TRIO - Talent Search / CFDA # 84.044]

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : The College is currently reviewing this finding and will resolve this finding through provision of this information to the grantor agency.

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**Recommendation 7** : *Equipment and Real Property Management* - We recommend that the College establish policies and procedures to ensure compliance with federal property management standards. [All Federal Programs]

**Agency to Act** : Northern Marianas College

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audits of NMC for FY 2001 - FY 2003

**Agency Response/ Corrective Action Plan** : The College concurs with the finding. Although a physical inventory of the fixed assets commenced in FY2004 and continued into FY2005, the lack of adequate financial resources precluded the College in procuring the services of a professional appraiser to appraise its real properties. Additionally, funding for the purchase of the fixed asset module was requested from the College's Planning, Budget and Evaluation Council. Once again funding constraints prevented this body from making the funds available for such purposes in FY2004 and 2005. Should the necessary funding be identified for this purpose, the College expects to resolve this condition in FY2006.

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## Public School System

### *Status of Prior Year Audit Findings:*

In the Annual Financial & Compliance Audit of PSS for FY 2004, a summary schedule showing the status of prior year audit findings for FY 2003. Of the 8 recommendations issued in FY 2003, all are still unresolved. Details of the FY 2003 prior year audit findings can be obtained upon request from OPA.

### **Annual Financial and Compliance Audit in Accordance with OMB-A-133 Fiscal Years Ended September 30, 2004 and 2003 Conducted By J. Scott Magliari & Company**

Date(s) of followup letter(s) sent : 8/9/05, 11/3/05 (Magliari re: PSS response)

Date(s) of response letter(s) received : 9/16/05

**Recommendation 1** : ***Preparation of Budget*** - Budgeting in the government sector is an element of fiscal policy and is much more than setting the financial goals for the coming year. A comprehensive budget process. Incorporates a long-term perspective and establishes linkages to broad organizational goals. It focuses budget decisions on results and outcomes. A budget must also involve and promote effective communication to ensure that incentives to government management and employees are ultimately provided.

I recommend that PSS properly monitor its budget-to actual expenditures, analyze significant variances and recommend options for handling such. PSS should move beyond the traditional concept of expenditures control. It is not simply an exercise of balancing revenues and expenditures one year at a time. Rather, the process is strategic in nature, encompassing a multi-year financial and operating plan that allocates resources on the basis of identified goals.

**Agency to Act** : Public School System

**Current/Prior  
Year Status** : Unresolved

**Agency Response/  
Corrective Action Plan** : PSS will enter the original budget per business unit, any adjustment is to be made at the end of the fiscal year to analyze and compare any significant variances budget to actual expenditures.

**Recommendation 2** : ***Procurement Regulations*** - In order to comply with PSS procurement laws and regulations, I recommend that a contract be executed on these kind of purchases.

**Agency to Act** : Public School System

**Current/Prior  
Year Status** : Unresolved



<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. This condition has been corrected by executing a contract of purchases for transactions above \$10,000.
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<b>Recommendation 3</b>	:	<b><i>Leave for Certified Employees</i></b> - PSS should adhere to its Employment Rules and Regulations. In this situation, PSS should make arrangements with the identified employees on the return of the lump sum payment made, such as payroll deduction or direct application on their annual leave.
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. This is a management oversight. PSS will notify affected employees regarding the policy.  The lump sum payment of annual leave given to these employees will either be offset against their accumulated annual leave or deducted from their salary.
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<b>Recommendation 4</b>	:	<b><i>Work Assignment</i></b> - Pss should develop written poicied and procedures that would serve as basic guidlines for PSS to properly implement controls on payroll and other related matters.
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. Since there is no specific policy that employees are allowed to work at home, which is not considered as PSS facility for any work assignment, PSS will not allow any employees to work at home.
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<b>Recommendation 5</b>	:	<b><i>Retention and access requirement of records</i></b> - PSS should adhere to the required retention period of financial records, supporting documents and all other pertinent records.
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. Timekeeper will take extra efforts to ensure that all time cards or a copy of time cards are kept in PSS file.
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<b>Recommendation 6</b>	:	<b><i>Travel Advances</i></b> - PSS should strictly enforce its established policies and procedures on travel. If the current policy is found to be inadequate to suit the current needs of the PSS as well as the travelers, I recommend that the policy should

be updated or improved in response to the inadequacies or concerns identified, if any, in accordance with local laws and federal requirements.

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : PSS has made tremendous efforts to inform employees of travel policies. PSS will strictly enforce its established policies and procedures.

PSS prepared a proposed administrative change in the travel policy to ensure compliance with the applicable state laws and federal regulations. Upon approval this policy shall be strictly enforced.

**Recommendation 7** : *Inventory Management* - PSS should properly implement the improved policies and procedures on property inventory and management.

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : PSS concurs. The discrepancies between the property cards and the listing were due to assets charged to wrong account. These were properly reclassified from contractual services to fixed asset account. In addition, our Property Custodian will conduct physical on the fixed asset at the school level respectively.

**Recommendation 8** : *Allowable costs or principals* - PSS should monitor all activities and programs set-up under this grant and ensure that each related cost charged under this account comply with the applicable federal regulations [Head Start Program/CFDA #93.600].

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : The food invoices in question were labeled Parent Fund Raising invoices by mistake. The activity was Parent Fund event, a formal and legitimate fund set up to pay for ordinary expenses. Parent Day is an educational day for all the parents of children enrolled at Headstart. Policy Council stress that these activities are Parent Fund activities, and that fund raising is not in compliance with federal regulations.

**Recommendation 9** : *Procurement and Suspension Debarment* - PSS should execute a contract on this kind of purchase to comply with the local laws and federal requirements [Head Start Program/CFDA #93.600].

**Agency to Act** : Public School System

<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. As in finding 4-2 of similar condition, this condition has been subsequently correct by executing a contract of purchases for transactions above \$10,000.
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<b>Recommendation 10</b>	:	<b>Program Income</b> - PSS should strictly enforce that food court collections be submitted on time to citation and non-adherence to the approved policies and procedures of PSS and federal regulations [Food and Nutrition Services/CFDA #10.555].
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. PSS will hire a Food Court Coordinator, under the supervision of the FNS Administrator, whose main responsibilities is to submit to PSS Treasurer all monies collected at the school level to ensure that policy is strictly followed.
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<b>Recommendation 11</b>	:	<b>Reporting</b> - PSS should closely monitor the requirements of the grant and improve its current system to ensure compliance of the terms and conditions of the program are met [Head Start Program/CFDA #93.600].
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	Head Start Policy Council and Board of Education will jointly hire a new Director who will be responsible for the production of monthly, quarterly and annual reports. Associate Commissioner of Curriculum and Instruction will direct the production of reports in compliance with federal regulations by May 2005.
<hr/>		
<b>Recommendation 12</b>	:	<b>Reporting</b> - PSS should evaluate its current system to identify the areas for improvement, thus address the deficiencies noted, if any, in meeting the goals and objectives of the program [Head Start Program/CFDA #93.600].
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved
<b>Agency Response/ Corrective Action Plan</b>	:	Head Start Policy Council and Board of Education will jointly hire a new Director who will be responsible of monthly, quarterly and annual reports. Associate Commissioner of Curriculum and Instruction will direct the production of reports in compliance with federal regulations by May 1, 2005.

- Recommendation 13** : *Reporting* - PSS should consider evaluating its current operating system. This would help them recognize the areas of strength and areas for improvements and the strategies to address the recommendations, if any, with specific timelines and evidence of completion. An improve system will assist PSS ensure grant requirement are fully met [Head Start Program/CFDA #93.600].
- Agency to Act** : Public School System
- Current/Prior Year Status** : Unresolved
- Agency Response/ Corrective Action Plan** : Head Start Policy Council and Board of Education will jointly hire a new Director who will be responsible for the production of monthly, quarterly and annual reports. Associate Commissioner of Curriculum and Instruction will direct the production of reports in compliance with federal regulations by May 1, 2005. The Self-Assessment Report for FY 2004 is currently underway and will be reported out by May 1, 2005.
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- Recommendation 14** : *Special Tests and Provisions* - PSS should develop an effective internal control system that would assist them in meeting the goals and objectives of the program grants as required by the Federal grant [Special Education Program/CFDA #84.027].
- Agency to Act** : Public School System
- Current/Prior Year Status** : Unresolved
- Agency Response/ Corrective Action Plan** : The Special Education Human Resources Officer will be directed by the Associate Commissioner for Curriculum and Instruction to generate the required Comprehensive System of Personnel Development (CSPD) plan as stated in the Eligibility document.
- 
- Recommendation 15** : *Special Tests and Provisions* - PSS should become familiar with the terms and conditions of the grant t avoid any confusion on the requirements of the federal, thus, prevent citations of non-compliance [Special Education Program/CFDA #84.027].
- Agency to Act** : Public School System
- Current/Prior Year Status** : Unresolved
- Agency Response/ Corrective Action Plan** : The Memorandum of Understanding regarding the services of the audiologist is completed and will be provided to the auditor no later than April 8, 2005.
- 
- Recommendation 16** : *Special Tests and Provisions* - PSS should become familiar with the terms and conditions of the grant t avoid any confusion on the requirements of the federal, thus, prevent citations of non-compliance [Special Education Program/CFDA #84.027].

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved

**Agency Response/ Corrective Action Plan** : The interagency agreement with the Department of Community and Cultural Affairs will be concluded and submitted to the auditor no later that April 8, 2005.

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**Recommendation 17** : *Special Tests and Provisions* - PSS should ensure that all Headstart centers be properly inspected to ensure that the centers are in compliance with local and federal requirements [Head Start Program/CFDA #93.600].

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of PSS for FY 2003

**Agency Response/ Corrective Action Plan** : Headstart Policy Council and Board of Education will jointly hire a new Director who will recommend that Headstart centers not be opened in August unless the proper health and safety inspections have been performed. Appropriate changes to the Headstart regulations are recommended. The Associate Commissioner of Curriculum and Instruction will direct these changes by May 1, 2005.

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**Recommendation 18** : *Special Tests and Provisions* - PSS should ensure that all Headstart facilities meet the fire safety standard requirement of the Department of Public Safety to avoid any potential accident and liability [Head Start Program/CFDA #93.600].

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of PSS for FY 2003

**Agency Response/ Corrective Action Plan** : The CNMI Public Auditor acknowledged that PSS does not have authority to compel compliance and recommended a referral to the Office of the Attorney General.

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**Recommendation 19** : *Special Tests and Provisions* - PSS should take an immediate corrective action for the cited violations and ensure that all Headstart facilities meet the standard requirements of the Bureau of Health and Environmental Health and that they comply with the Federal regulations [Head Start Program/CFDA #93.600].

**Agency to Act** : Public School System

**Current/Prior Year Status** : Unresolved - Reported as a Finding in the Audit of PSS for FY 2003

**Agency Response/ Corrective Action Plan** : PSS will ensure that appropriate referrals are made to the Office of the Attorney General to ensure compliance.

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<b>Recommendation 20</b>	:	<b><i>Equipment and Real Property Management</i></b> - We recommend that PSS comply with all federal property management standards [All major programs].
<b>Agency to Act</b>	:	Public School System
<b>Current/Prior Year Status</b>	:	Unresolved - Reported as a Finding in the Audit of PSS for FY 2003
<b>Agency Response/ Corrective Action Plan</b>	:	PSS concurs. This condition is same as finding no. 4-7. PSS hired a Property Custodian whose main duties and responsibilities is to monitor fixed asset, thus, his agenda is to conduct a physical inventory of all fixed asset valued at \$5,000 above in all schools public and private. The Property Custodian will update list of fixed assets and to be submitted to Fiscal and Budget Office, fixed assets register and property card reconciles.

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**APPENDIX A****Acronyms Used**

ADP	Automated Data Processing
AGIU	Attorney General's Investigative Unit
AGO	Office of the Attorney General
AR	Audit Report
BMPLA	Board of Marianas Public Lands Authority
BOE	Board of Education
BOELEC	Board of Election
BOT	Board of Trustees
BPL	Board of Public Lands
CDA	Commonwealth Development Authority
CDBG	Commonwealth Development Block Grant
CFDA	Catalog of Federal Domestic Assistance
CGECU	Commonwealth Government Employees Credit Union
CHC	Commonwealth Health Center
CI Fund	Confidential Informant Fund
CIP	Capital Improvement Projects
CMC	Commonwealth Code
CMIA	Cash Management Improvement Act
CMS-64	Quarterly Statement of Expenditures for the Medical Assistance Program
CNMI	Commonwealth of the Northern Mariana Islands
CNMI-PR	Commonwealth of the Northern Mariana Islands Procurement Regulations
CPA	Certified Public Accountant
CPA	Commonwealth Ports Authority
CSC	Civil Service Commission
CSPD	Comprehensive System of Personnel Development
CU	Certification Unit
CUC	Commonwealth Utilities Corporation
DCCA	Department of Community and Cultural Affairs
DEQ	Division of Environmental Quality
DFW	Division of Fish and Wildlife
DLI	Department of Labor and Immigration
DLNR	Department of Lands & Natural Resources
DOC	Department of Commerce
DOF	Department of Finance
DOI	Department of the Interior
DOL	Department of Labor
DOLI	Department of Labor and Immigration
DPH	Department of Public Health
DPL	Division of Public Lands
DPS	Department of Public Safety
DPW	Department of Public Works



EDP	Electronic Data Processing
EMO	Emergency Management Office
FAA	Federal Aviation Administration
FDIC	Federal Deposit Insurance Corporation
FASB	Financial Accounting Standards Board
FLSA	Fair Labor Standards Act
FMS	Financial Management System
FTE	Full Time Employment
FY	Fiscal Year
GASB	Government Accounting Standards Board
GHI	Government Health Insurance
GOV	Office of the Governor
HOUSEREP	House of Representatives
HRPP	Human Resources Policies and Procedures
HUD	U.S. Department of Housing and Urban Development
LEG	Legislature
LEGBUREAU	Legislative Bureau
LIBCOUNCIL	Library Council
LT	Letter Report
MAN	Medical Assistance for the Needy
MEU	Management Evaluation Unit
MOU	Memorandum of Understanding
MPLA	Marianas Public Lands Authority
MPLC	Marianas Public Land Corporation
MPLT	Marianas Public Land Trust
MVA	Marianas Visitors Authority
MVB	Marianas Visitors Bureau
NAP	Nutrition Assistance Program
NIMO	Northern Islands Mayor's Office
NMC	Northern Marianas College
NMHC	Northern Marianas Housing Corporation
NMIRF	Northern Mariana Islands Retirement Fund
OMB	Office of Management and Budget
OPA	Office of the Public Auditor
OPL	Office of Public Lands
OPM	Office of Personnel Management
P&S	Procurement & Supply
PDO	Public Defender's Office
PIEI	Pacific Islands Education Initiative
PMS-272	Report of Federal Cash Transactions
PSS	Public School System
PSSRR	Personnel Service System Rules and Regulations
R&R	Retailer & Redemption
RIF	Reductions-in-force
RFP	Request for Proposals
RHC	Rota Health Center
RMC	Rota Municipal Council
RMO	Rota Mayor's Office

SAA	Special Assistant for Administration
SF	Standard Form
SFA	Student Financial Aid
SMC	Saipan Municipal Council
SMO	Saipan Mayor's Office
SOF	Secretary of Finance
SPMC	Supreme Court
SPRC	Superior Court
SSI	Supplemental Security Income
TA	Travel Authorization
TCD	Time Certificate of Deposit
TCGCC	Tinian Casino Gaming Control Commission
TMC	Tinian Municipal Council
TMO	Tinian Mayor's Office
TRIO	Educational Opportunity for Low-Income and Disabled Americans
TV	Travel Voucher
US	United States
USDA CSREES	U.S. Department of Agriculture, Cooperative State Research and Extension Service
WASC	Western Association for Schools and Colleges
WRO	Washington Representative's Office
ZIQ	Zero Income Questionnaires

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