



# Office of the Public Auditor

Commonwealth of the Northern Mariana Islands  
Website: <http://opacnmi.com>  
1220 Route 312, Capitol Hill, Saipan, MP 96950

Mailing Address:  
P.O. Box 501399  
Saipan, MP 96950

E-mail Address:  
[mail@opacnmi.com](mailto:mail@opacnmi.com)  
Phone: (670) 322-6481  
Fax: (670) 322-7812

## MEMORANDUM

OPA Ethics Opinion 2022-01

Date: November 6, 2023

FOR PUBLIC RELEASE PURSUANT TO 1 CMC § 8561(j)

FROM: Joseph Przyuski, Legal Counsel  
CNMI Office of the Public Auditor

Signature:  Date: 11/6/2023

REVIEWED BY: Dora I. Deleon Guerrero, Temporary Public Auditor  
CNMI Office of the Public Auditor

Signature:  Date: 11/07/2023

**Subject: Government Ethics Code Advisory Opinion**

---

In October of 2022, the CNMI Office of the Public Auditor (“OPA”) received a letter requesting an ethics opinion whether a Public Official’s private business could apply for a grant under a federal program that was managed by the Commonwealth Government.

OPA offered an advisory Ethics Opinion to the Public Official under 1 CMC § 8561 (j) of the Commonwealth Government Ethics Code Act (Ethics Code). The opinion, and this summary version of the same, are confined to analyzing the inquiry under the Ethics Code only as OPA is not authorized to offer general opinions regarding the legality of activities under other sections of the CNMI Code. OPA is required to make such opinions available to the public, while redacting the identity of the requesting party and that of others involved under 1 CMC § 8561 (j) of the Ethics Code.

OPA’s opinion under that mandate is based on the following provided or assumed general facts:

- 1) The Public Official’s authority does not in any way regulate or oversee the grant program under which the Public Official’s private business has applied, and
- 2) The position held by the Public Official does not create an actual or perceived conflict of interest by receiving any such grant.

Based on the scenario presented and the above facts, OPA offers the following analysis and advice. 1 CMC § 8532 of the Ethics Code prohibits the use of a government position to obtain any private benefit. Provided the grant program is managed, both administratively and fiscally,

without the participation of the Public Official or their role in the government, no direct violation of 1 CMC § 8532 is present. However, it is important to consider whether the role of a public official is such that an actual conflict may arise by default. Depending on the office held by a public official, an actual conflict may arise simply by the inherent pressure individuals administering the program might be under when deciding an application made by a high-ranking public official. In such a scenario, it is important for the decision-making authorities to determine whether they can objectively decide such an application for a high-ranking public official.

Additionally, it is important to recall the public policies behind the Ethics Code include developing public confidence in persons holding public office, enhancing the dignity of public offices, and assuring the community that public officials are free of the influence of undisclosed private or business interests in their official acts under 1 CMC § 8502(a). Such policies are undermined, even in the absence of an actual conflict of interest, whenever the specter of impropriety arises.

Finally, separate from the specific grant inquiry, OPA urges caution to all public officials to maintain awareness of how their private business ventures during their public service present a nearly endless list of potential conflicts of interest. OPA recommends seeking legal advice from government or private counsel whenever concerns or questions arise.