



Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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MEMORANDUM

OPA Ethics Opinion 2025-04


Date: June 18, 2025

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

From: Ashley Kost, Legal Counsel

Signature:  Date: 6/18/25

Reviewed By: Dora I. Deleon Guerrero, Temporary Public Auditor

Signature:  Date: 6/18/2025

Subject: Government Ethics Code Advisory Opinion

On June 6, 2025, the Office of the Public Auditor (“OPA”) received three requests for advisory opinions under the CNMI Government Ethics Code Act (“Ethics Code”). Although the requests originated from the same individual, they involved three distinct CNMI government entities. The overarching subject matter concerns a criminal case and the respective roles of these government entities in connection with that case. While OPA is authorized under 1 CMC § 8561(j) to issue advisory opinions on matters pertaining specifically to the Ethics Code, it does not have the authority to issue general legal or ethical opinions based on other provisions of the CNMI Code, the Restatements of the Law produced by the American Law Institute, the Model Rules of Professional Conduct, or the Code of Judicial Ethics.

Many of the questions presented, though ethical in nature, fall well-outside the confines of the Ethics Code. The questions that may fall within the scope of the Ethics Code lack sufficient specificity in relation to the statutory elements to support a determination of any potential ethics violation for purposes of an advisory opinion. Furthermore, due to ongoing legal proceedings, OPA will not make assumptions regarding general facts needed to support an advisory opinion.

That said, as a hypothetical matter, it is possible and therefore would constitute a violation of the Ethics Code, if any government employee used their official position for a private benefit—whether for themselves or for others—even if said action involved official actions within the judicial process. See 1 CMC §§ 8531–8534.