



Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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MEMORANDUM

OPA Ethics Opinion 2025-01

Date: December 6, 2024

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

FROM: Joseph Przyuski, Legal Counsel

Signature:  Date: 12/6/2024

REVIEWED BY: Dora I. Deleon Guerrero, Temporary Public Auditor

Signature:  Date: 12/6/2024

Subject: Government Ethics Code Advisory Opinion

The Office of the Public Auditor (“OPA”) received an inquiry requesting an opinion on whether a public official could attend an event outside the Commonwealth to be paid for by a foreign government. Based on the information accompanying the inquiry, the purpose of the meeting was to promote closer ties and to foster cultural exchange between the Commonwealth and the foreign government. The invitation offered to pay for the public official’s flight tickets, accommodation, and transportation.

OPA offered an advisory Ethics Opinion to the requesting individual under 1 CMC § 8561 (j), of the Commonwealth Government Ethics Code Act (“Ethics Code”). Under that authority, OPA may offer advisory opinions based upon real or hypothetical scenarios with respect to the Ethics Code. OPA has no jurisdiction to offer general legal opinions concerning other sections of the CNMI Code. Thus, any such opinion by OPA is confined to analyzing the inquiry under the Ethics Code only.

OPA is required to make ethics opinions available to the public, while redacting the identity of the requesting party and that of others involved under Section 8561 (j) of the Ethics Code. OPA offers the following summary opinion based on that mandate.

This opinion relies on the following assumed general facts: 1) the event is a legitimate public event and participation in it serves a public purpose, 2) the invitation and provisions are not made for the purpose of gaining any undue influence over the public official or in exchange for any official action, and 3) public official does not directly regulate the foreign government in any way.

While the Ethics Code generally prohibits acceptance of gifts by public servants, there exist certain exceptions. For example, a sponsor of a public event can bear the reasonable cost of hosting such an event, including travel expenses under 1 CMC § 8551 (e)(4). However, notwithstanding this exception, it would be improper for a public servant to accept such travel, any other gift, or promise of future employment with the understanding that the action would influence the public servant's judgment regarding the business of the Commonwealth. 1 CMC § 8551 (b).

Likewise, it is important to note that public policies underlying the Ethics Code include developing public confidence in individuals 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. 1 CMC § 8052 (a). These policies can be undermined, even in the absence of an actual conflict of interest, whenever there is an appearance of impropriety. Such inquiries require individual analysis of the surrounding circumstances. As a general practice it is important that the public servant not have regulatory authority over the sponsor to eliminate any such appearance of a conflict of interest.