



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
Phone: (670) 322-6481

MEMORANDUM

OPA Ethics Opinion 2025-02

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 whether a government employee could volunteer for a not-for-profit organization. The not-for-profit organization membership consisted of a variety of commonwealth government entities and members of the private sector. The organization engages in activities that align with and advance the government’s interests.

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 government employee volunteering for the not-for-profit entity during government time is only engaged in activities that further a legitimate governmental function of the employee’s government employer, and 2) the government employee does not directly or indirectly initiate or participate in any solicitations for donations on behalf of the not-for-profit entity.

It is important to note that generally public employees cannot use government offices, staff, equipment, time, or supplies on behalf of any private entity. 1 CMC §§ 8531 and 8534 (a). In

this instance, however, the facts indicate the private entity is directly serving the legitimate interests of the governmental agency which employs the government employee.¹

While the not-for-profit entity may engage in soliciting donations, it is important that any such activity does not involve the government employee. This would avoid the most obvious restrictions on the solicitation of donations and gifts by public employees under the Ethics Code, 1 CMC §§ 8551(a)-(d). It is also important to avoid any appearance that the not-for-profit entity is soliciting any gifts on behalf of the government as that appearance may violate the prohibitions on soliciting donations from private entities who are regulated by the government.

OPA further recommends that any activities by the not-for-profit that involve assistance from government employees ensure that donations are properly documented and that all donated funds are channeled in a manner consistent with their intended purpose. Finally, if the not-for-profit efforts rely heavily on government employees it may be well-advised to consider reporting the total amounts of the fundraising efforts to OPA and to the Department of Finance for the sake of accountability and open government.

¹ Of course, government employees may volunteer for private entities outside of their normal working hours so long as it does not conflict with their obligations to the government employer.