

**EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

SESSION, 2013

H. Res. 18-2

A HOUSE RESOLUTION

IMPEACHING BENIGNO REPEKI FITIAL, GOVERNOR OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, FOR
COMMISSION OF A FELONY, CORRUPTION AND NEGLECT.

1 BE IT RESOLVED, that Benigno Repeki Fitial, Governor of the
2 Commonwealth of the Northern Mariana Islands, is impeached for the
3 commission of actions constituting multiple felonies, multiple acts of public
4 corruption and multiple instances of neglect of his sworn duties of office and that
5 the following articles of impeachment be exhibited to the Commonwealth Senate
6 for trial; and

7 BE IT FURTHER RESOLVED that the Speaker of the House of
8 Representatives shall certify, and the House Clerk shall attest to the adoption of
9 this resolution and thereafter shall transmit a certified copy to the Honorable Jude
10 U. Hofschneider, President of the Senate of the Eighteenth Northern Marianas
11 Commonwealth Legislature, and Benigno R. Fitial, Governor of the
12 Commonwealth of the Northern Mariana Islands.

13 Articles of impeachment exhibited, debated and adopted by the House of
14 Representatives of the Commonwealth of the Northern Mariana Islands in the
15 name of itself and of the people of Commonwealth of the Northern Mariana

1 Islands, against Benigno Repeki Fitial, Governor of the Commonwealth of the
2 Northern Mariana Islands, in support of its impeachment against him for the
3 commission of actions constituting multiple felonies, multiple acts of public
4 corruption and multiple instances of neglect of his sworn duties of office.

5 ARTICLE I Commission of a felony

6 In his conduct while Governor of the Commonwealth of the Northern
7 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
8 faithfully discharge his duties as Governor and, to the best of his ability support
9 and defend the Constitution and laws of the Commonwealth of the Northern
10 Mariana Islands, the Covenant To Establish a Commonwealth of the Northern
11 Mariana Islands in Political Union with the United States of America and the
12 applicable portions of the Constitution and laws of the United States, and in
13 violation of his constitutional responsibility to faithfully execute the laws, has
14 willfully conspired to commit and committed a felony against the United States of
15 America in that:

16 On or about January 8, 2010, Benigno Repeki Fitial planned, conspired
17 with others to commit and committed the federal felony of Instigating or Assisting
18 Escape in violation of 18 U.S.C. §752 which reads:

19 18 U.S.C. § 752 - Instigating or Assisting Escape

20 (a) Whoever rescues or attempts to rescue or instigates, aids or assists the
21 escape, or attempt to escape, of any person arrested upon a warrant or other
22 process issued under any law of the United States, or committed to the custody of

1 the Attorney General or to any institution or facility by his direction, shall, if the
2 custody or confinement is by virtue of an arrest on a charge of felony, or
3 conviction of any offense, be fined under this title or imprisoned not more than
4 five years, or both; or, if the custody or confinement is for extradition, or for
5 exclusion or expulsion proceedings under the immigration laws, or by virtue of an
6 arrest or charge of or for a misdemeanor, and prior to conviction, be fined under
7 this title or imprisoned not more than one year, or both.

8 In doing this, Benigno Repeki Fitial undermined the integrity of his office
9 while bringing disrepute on the Governorship, has betrayed the trust of those he
10 swore to serve and has acted in a manner subversive of the rule of law and justice,
11 to the manifest injury of the people of the Commonwealth of the Northern
12 Mariana Islands and the United States of America.

13 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
14 and trial, and removal from office and disqualification to hold and enjoy any
15 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

16 ARTICLE II Commission of a felony

17 In his conduct while Governor of the Commonwealth of the Northern
18 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
19 faithfully discharge his duties as Governor and, to the best of his ability support
20 and defend the Constitution and laws of the Commonwealth of the Northern
21 Mariana Islands, the Covenant To Establish a Commonwealth of the Northern
22 Mariana Islands in Political Union with the United States of America and the

1 applicable portions of the Constitution and laws of the United States, and in
2 violation of his constitutional responsibility to faithfully execute the laws, has
3 willfully conspired to commit and committed a felony against the United States of
4 America in that:

5 On or about January 8, 2010, Benigno Repeki Fitial planned, conspired
6 with others to commit and committed the federal felony of Officer Permitting
7 Escape in violation of 18 U.S.C. §755 which reads:

8 18 U.S.C. § 755 - Officer Permitting Escape

9 Whoever, having in his custody any prisoner by virtue of process issued
10 under the laws of the United States by any court, judge, or magistrate judge,
11 voluntarily suffers such prisoner to escape, shall be fined under this title or
12 imprisoned not more than 5 years, or both; or if he negligently suffers such person
13 to escape, he shall be fined under this title or imprisoned not more than one year,
14 or both.

15 In doing this, Benigno Repeki Fitial has undermined the integrity of his
16 office while bringing disrepute on the Governorship, betrayed the trust of those he
17 swore to serve, and has acted in a manner subversive of the rule of law and
18 justice, to the manifest injury of the people of the Commonwealth of the Northern
19 Mariana Islands and the United States of America.

20 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
21 and trial, and removal from office and disqualification to hold and enjoy any
22 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

1 ARTICLE III Commission of a felony

2 In his conduct while Governor of the Commonwealth of the Northern
3 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
4 faithfully discharge his duties as Governor and, to the best of his ability support
5 and defend the Constitution and laws of the Commonwealth of the Northern
6 Mariana Islands, and in violation of his constitutional responsibility to faithfully
7 execute the laws, has willfully conspired to commit and committed a felony
8 against the Commonwealth of the Northern Mariana Islands in that:

9 On or about January 8, 2010, Benigno Repeki Fitial planned, conspired
10 with others to commit and committed the felony of Theft of Services in violation
11 of 6 CMC §1607(b) made punishable by 6 CMC §1601(b)(2). Section 1697(b) of
12 Title 6 of the Commonwealth Code reads:

13 “(b) A person commits theft if, having control over the disposition
14 of services of others to which the person is not entitled, that person
15 knowingly diverts those services to his or her own benefit or to the benefit
16 of another not entitled to it.”

17 Benigno Repeki Fitial, with others, diverted the services of the Department
18 of Corrections for his personal gain when he arranged for the transfer, had
19 transferred, and had transferred back, a detainee from the Department of
20 Corrections to his private residence for a massage, the amount of services diverted
21 being greater than \$250. Further, Benigno Repeki Fitial, with others, diverted the
22 services of the Attorney General and the Office of the Attorney General in

1 defending the Governor from potential criminal charges stemming from the
2 unauthorized release of a federal detainee from the Department of Corrections, the
3 amount of services diverted being greater than \$250. In doing this, Benigno
4 Repeki Fitial has undermined the integrity of his office while bringing disrepute
5 on the Governorship, betrayed the trust of those he swore to serve, and has acted
6 in a manner subversive of the rule of law and justice, to the manifest injury of the
7 people of the Commonwealth of the Northern Mariana Islands.

8 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
9 and trial, and removal from office and disqualification to hold and enjoy any
10 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

11 ARTICLE IV Commission of a felony

12 In his conduct while Governor of the Commonwealth of the Northern
13 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
14 faithfully discharge his duties as Governor and, to the best of his ability support
15 and defend the Constitution and laws of the Commonwealth of the Northern
16 Mariana Islands, and in violation of his constitutional responsibility to faithfully
17 execute the laws, has willfully conspired to commit and committed a felony
18 against the Commonwealth of the Northern Mariana Islands in that:

19 On or about the dates between August 3, 2012 and August 6, 2012,
20 Benigno Repeki Fitial planned, conspired with others to commit and/or committed
21 the felony of Theft of Services in violation of 6 CMC § 1697(b) made punishable

1 by 6 CMC §1601(b)(2). Section 1697(b) of Title 6 of the Commonwealth Code
2 reads:

3 “(b) A person commits theft if, having control over the disposition
4 of services of others to which the person is not entitled, that person
5 knowingly diverts those services to his or her own benefit or to the benefit
6 of another not entitled to it.”

7 Benigno Repeki Fitial, having control over the disposition of certain
8 services of the CNMI Department of Public Safety, the CNMI Office of the
9 Attorney General, and the Commonwealth Ports Authority Ports Police, diverted
10 these services to the benefit of a person not entitled to such services. Specifically,
11 Benigno Repeki Fitial ordered, approved and/or permitted the use of Department
12 of Public Safety, Office of the Attorney General, Commonwealth Ports Authority
13 Ports Police personnel and equipment to be utilized in an effort to allow then
14 Attorney General Edward T. Buckingham to attempt to avoid the jurisdiction of
15 the CNMI Superior Court in a criminal action. In doing this, Benigno Repeki
16 Fitial has committed a felony, undermined the integrity of his office while
17 bringing disrepute on the Governorship, betrayed the trust of those he swore to
18 serve, and has acted in a manner subversive of the rule of law and justice, to the
19 manifest injury of the people of the Commonwealth of the Northern Mariana
20 Islands.

1 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
2 and trial, and removal from office and disqualification to hold and enjoy any
3 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

4 ARTICLE V Corruption

5 In his conduct while Governor of the Commonwealth of the Northern
6 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
7 faithfully discharge his duties as Governor and, to the best of his ability support
8 and defend the Constitution and laws of the Commonwealth of the Northern
9 Mariana Islands, and in violation of his constitutional responsibility to faithfully
10 execute the laws, has willfully engaged in corruption, in that he committed an act
11 done with an intent to give some advantage inconsistent with official duty and the
12 rights of others:

13 On or about January 8, 2010, Benigno Repeki Fitial, with others,
14 intentionally diverted the services of the Department of Corrections for his
15 personal advantage inconsistent with his official duty and inconsistent with the
16 rights of the taxpayers of the Commonwealth and the rights of the United States of
17 America when he arranged for the transfer, had transferred, and had transferred
18 back, a federal detainee from the Department of Corrections to his private
19 residence. In doing this, Benigno Repeki Fitial has engaged in corruption,
20 enriched himself personally and unjustly by abusing the authority of his office,
21 undermined the integrity of his office while bringing disrepute on the
22 Governorship, betrayed the trust of those he swore to serve, and has acted in a

1 manner subversive of the rule of law and justice, to the manifest injury of the
2 people of the Commonwealth of the Northern Mariana Islands.

3 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
4 and trial, and removal from office and disqualification to hold and enjoy any
5 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

6 ARTICLE VI Corruption

7 In his conduct while Governor of the Commonwealth of the Northern
8 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
9 faithfully discharge his duties as Governor and, to the best of his ability support
10 and defend the Constitution and laws of the Commonwealth of the Northern
11 Mariana Islands, and in violation of his constitutional responsibility to faithfully
12 execute the laws, has willfully engaged in corruption, in that he committed an act
13 done with an intent to give some advantage inconsistent with official duty and the
14 rights of others:

15 On or about August 3, 2012 and continuing thereafter, Benigno Repeki
16 Fitial, conspired to utilize and utilized the services of the Department of Public
17 Safety and the Commonwealth Ports Authority Ports Police inconsistent with his
18 official duty and inconsistent with the rights of the taxpayers of the
19 Commonwealth to confer an undeserved advantage on former Attorney General
20 Edward T. Buckingham improperly and illegally in an attempt to help the former
21 Attorney General avoid the jurisdiction of the Superior Court. In doing this,
22 Benigno Repeki Fitial has engaged in corruption, abused the authority of his

1 office, undermined the integrity of his office while bringing disrepute on the
2 Governorship, betrayed the trust of those he swore to serve, and has acted in a
3 manner subversive of the rule of law and justice, to the manifest injury of the
4 people of the Commonwealth of the Northern Mariana Islands.

5 Wherefore, Benigno Repeki Fitial, by such conduct, warrants
6 impeachment and trial, and removal from office and disqualification to hold and
7 enjoy any office of honor or trust of the Commonwealth of the Northern Mariana
8 Islands.

9 ARTICLE VII Corruption

10 In his conduct while Governor of the Commonwealth of the Northern
11 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
12 faithfully discharge his duties as Governor and, to the best of his ability support
13 and defend the Constitution and laws of the Commonwealth of the Northern
14 Mariana Islands, and in violation of his constitutional responsibility to faithfully
15 execute the laws, has willfully engaged in corruption, in that he committed an act
16 done with an intent to give some advantage inconsistent with official duty and the
17 rights of others:

18 Beginning on or about January 2010, and continuing thereafter, Benigno
19 Repeki Fitial utilized the services of the Office of the Attorney General for his
20 personal advantage inconsistent with his official duty and inconsistent with the
21 rights of the taxpayers of the Commonwealth in defending against the
22 investigation of federal crimes stemming from the unauthorized release of a

1 federal detainee from the Department of Corrections. In doing this, Benigno
2 Repeki Fitial has engaged in corruption, enriched himself personally by abusing
3 the authority of his office, undermined the integrity of his office while bringing
4 disrepute on the Governorship, betrayed the trust of those he swore to serve, and
5 has acted in a manner subversive of the rule of law and justice, to the manifest
6 injury of the people of the Commonwealth of the Northern Mariana Islands.

7 Wherefore, Benigno Repeki Fitial, by such conduct, warrants
8 impeachment and trial, and removal from office and disqualification to hold and
9 enjoy any office of honor or trust of the Commonwealth of the Northern Mariana
10 Islands.

11 ARTICLE VIII Corruption

12 In his conduct while Governor of the Commonwealth of the Northern
13 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
14 faithfully discharge his duties as Governor and, to the best of his ability support
15 and defend the Constitution and laws of the Commonwealth of the Northern
16 Mariana Islands, and in violation of his constitutional responsibility to faithfully
17 execute the laws, has willfully engaged in corruption, in that he committed an act
18 done with an intent to give some advantage inconsistent with official duty and the
19 rights of others:

20 In or about October 12, 2010, Benigno Repeki Fitial awarded a \$392,406
21 sole source contract to Integrated Professional Solutions, LLC. An investigative
22 report issued by the Office of Inspector General of the Department of Interior,

1 dated July 14, 2011, found evidence suggesting that the contract to IPS violated
2 multiple CNMI ethics laws, including 1 CMC § 8543: Post-Employment
3 Restrictions; 1 CMC § 8531: Use of Office, Staff or Employees of Public Office;
4 and 1 CMC § 8532: Restraint on Use of Public Position to Obtain Private Benefit;
5 and 1 CMC § 8544: Negotiating for Nongovernment Employment. In addition, the
6 Office of the Inspector General found that the contract may have violated CNMI
7 Procurement and Supply Regulations, Part 700, “Ethics in Public Contracting”.

8 In doing this, Benigno Repeki Fitial conferred an advantage on IPS, LLC
9 inconsistent with his official duty and the rights of the taxpayers. He has engaged
10 in corruption by abusing the authority of his office, undermined the integrity of his
11 office while bringing disrepute on the Governorship, betrayed the trust of those he
12 swore to serve, and has acted in a manner subversive of the rule of law and
13 justice, to the manifest injury of the people of the Commonwealth of the Northern
14 Mariana Islands.

15 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
16 and trial, and removal from office and disqualification to hold and enjoy any
17 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

18 ARTICLE IX Corruption

19 In his conduct while Governor of the Commonwealth of the Northern
20 Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to
21 faithfully discharge his duties as Governor and, to the best of his ability support
22 and defend the Constitution and laws of the Commonwealth of the Northern

1 Mariana Islands, and in violation of his constitutional responsibility to faithfully
2 execute the laws, has willfully engaged in corruption, in that he committed an act
3 done with an intent to give some advantage inconsistent with official duty and the
4 rights of others:

5 In or about August 3, 2012, Benigno Repeki Fitial awarded a \$190.8
6 million dollar sole source power purchase agreement (PPA) to Saipan
7 Development, LLC while the Commonwealth Utilities Corporation (CUC) was
8 under a state of emergency and the control of the Office of the Governor. The
9 Executive Order and Declaration of State of Emergency (EO No. 2012-08)
10 declared a cash crisis, a technical worker crisis, and a renewable energy crisis at
11 CUC. Benigno Repeki Fitial, however, awarded a diesel power purchase
12 agreement during the state of emergency when there was no declared diesel power
13 crisis at CUC. Moreover, Page 1 of the PPA states that SDLLC and the CNMI
14 executed a Power Plant Development Management Agreement dated March 27,
15 2012, which was well outside the emergency declaration period of May to August
16 2012. Benigno Repeki Fitial intended to circumvent and set aside CNMI and CUC
17 procurement laws and regulations, and Public Utilities Commission laws and
18 regulations to award the sole source power purchase agreement.

19 In doing this, Benigno Repeki Fitial conferred an advantage on Saipan
20 Development, LLC inconsistent with his official duty and the rights of the
21 taxpayers. He has engaged in corruption by abusing the authority of his office,
22 undermined the integrity of his office while bringing disrepute on the

1 Governorship, betrayed the trust of those he swore to serve, and has acted in a
2 manner subversive of the rule of law and justice, to the manifest injury of the
3 people of the Commonwealth of the Northern Mariana Islands.

4 Wherefore, Benigno Repeki Fitial, by such conduct warrants impeachment
5 and trial, and removal from office and disqualification to hold and enjoy any
6 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

7 ARTICLE X Neglect

8 While Governor of the Commonwealth of the Northern Mariana Islands,
9 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
10 discharge his duties as Governor and in violation of his constitutional duty to take
11 care that the laws be faithfully executed, has willfully neglected the duties of his
12 office:

13 Beginning December 2010 and continuing thereafter, Benigno Repeki
14 Fitial failed to remove from office former Attorney General Edward T.
15 Buckingham after it became clear that the former Attorney General had either
16 solicited, conspired to commit, committed or countenanced the violation of the
17 federal Hatch Act and 1 CMC §§8534 and 6705 pertaining to the use of public
18 funds, employees, time or equipment during political campaigns. In failing to act,
19 Benigno Repeki Fitial has undermined the integrity of his office while bringing
20 disrepute on the Governorship and has betrayed the trust of those he swore to
21 serve, to the manifest injury of the people of the Commonwealth of the Northern
22 Mariana Islands.

1 Wherefore, Benigno Repeki Fitial, by such inaction warrants impeachment
2 and trial, and removal from office and disqualification to hold and enjoy any
3 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

4 ARTICLE XI Neglect

5 While Governor of the Commonwealth of the Northern Mariana Islands,
6 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
7 discharge his duties as Governor and in violation of his constitutional duty to take
8 care that the laws be faithfully executed, has willfully neglected the duties of his
9 office:

10 On or about August 3 and August 4, 2012, Benigno Repeki Fitial failed, in
11 violation of his constitutional responsibility to ensure the faithful execution of the
12 laws, to ensure the faithful execution of 6 CMC § 6101, which reads:

13 **“6101. Process Obligatory Upon Police.**

14 (a) All process in any criminal proceeding, contempt proceeding,
15 or in a juvenile delinquency proceeding, issued in accordance with law and
16 the rules of procedure prescribed in accordance with law, shall be
17 obligatory upon all police officers having knowledge of it, and any police
18 officer to whom the process is given shall promptly make diligent effort to
19 execute or serve it either personally or through another police officer.”

20 Not only did Benigno Repeki Fitial neglect to ensure that the Department
21 of Public Safety, which was informed of the process to be served on former
22 Attorney General Buckingham, so serve said former Attorney General, Benigno

1 Repeki Fitial in contravention of his oath of office and duties actively ordered that
2 6 CMC §6101 be circumvented, violated or otherwise not enforced.

3 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
4 office while bringing disrepute on the Governorship and has betrayed the trust of
5 those he swore to serve, to the manifest injury of the people of the
6 Commonwealth of the Northern Mariana Islands.

7 Wherefore, Benigno Repeki Fitial, by such inaction warrants impeachment
8 and trial, and removal from office and disqualification to hold and enjoy any
9 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

10 ARTICLE XII Neglect

11 While Governor of the Commonwealth of the Northern Mariana Islands,
12 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
13 discharge his duties as Governor and in violation of his constitutional duty to take
14 care that the laws be faithfully executed, has willfully neglected the duties of his
15 office:

16 Beginning March 2006 and continuing thereafter until July 2012, Benigno
17 Repeki Fitial failed to nominate to the Civil Service Commission nominees to
18 serve as Commissioners within 90 days after the position became vacant as
19 required by the N.M.I. Constitution, Article III, Section 21. In failing to act,
20 Benigno Repeki Fitial has ignored the will of the governed by ignoring a duty
21 imposed on him by law, prevented the Civil Service Commission from
22 establishing a quorum necessary to conduct business, eliminated the considered

1 oversight of civil service cases, halted the administrative review of civil services
2 cases, subjected civil service employees to expensive litigation to protect their
3 interests, subjected the Commonwealth government to litigation and court
4 judgments awarding damages and attorney's fees to civil service complainants,
5 removed or reduced a check on executive authority, and prevented the Legislature
6 from exercising a duty required by law to wit, acting upon the appointee of the
7 Governor within 90 days of the temporary appointment to the Civil Service
8 Commission.

9 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
10 office while bringing disrepute on the Governorship, has betrayed the trust of
11 those he swore to serve, to the manifest injury of the people of the
12 Commonwealth of the Northern Mariana Islands.

13 Wherefore, Benigno Repeki Fitial, by such inaction, warrants
14 impeachment and trial, and removal from office and disqualification to hold and
15 enjoy any office of honor or trust of the Commonwealth of the Northern Mariana
16 Islands.

17 ARTICLE XIII Neglect

18 While Governor of the Commonwealth of the Northern Mariana Islands,
19 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
20 discharge his duties as Governor and in violation of his constitutional duty to take
21 care that the laws be faithfully executed, has willfully neglected the duties of his
22 office:

1 Beginning September 2011 and continuing thereafter until March 2012,
2 Benigno Repeki Fitial failed to nominate to the Public Utilities Commission
3 nominees to serve as Commissioners within 90 days after the position became
4 vacant as required by the N.M.I. Constitution, Article III, Section 21. In failing to
5 act, Benigno Repeki Fitial has ignored the will of the governed by ignoring a duty
6 imposed on him by law, eliminated the considered oversight of a utility leading to
7 declarations of states of emergency, subjected the CUC ratepayers to high LEAC
8 rates due to the lack of quorum at the PUC, removed or reduced a check on
9 executive authority, and failed to submit an appointee to the appropriate presiding
10 officer within 30 days in violation of 1 CMC section 2902 which thereby also
11 prevented the Legislature from exercising a duty required by law to wit, acting
12 upon the appointee of the Governor within 90 days of the temporary appointment
13 to the Public Utilities Commission pursuant to 1 CMC section 2904.

14 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
15 office while bringing disrepute on the Governorship, has betrayed the trust of
16 those he swore to serve, to the manifest injury of the people of the
17 Commonwealth of the Northern Mariana Islands.

18 Wherefore, Benigno Repeki Fitial, by such inaction, warrants
19 impeachment and trial, and removal from office and disqualification to hold and
20 enjoy any office of honor or trust of the Commonwealth of the Northern Mariana
21 Islands.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

ARTICLE XIV Neglect

While Governor of the Commonwealth of the Northern Mariana Islands, Benigno Repeki Fitial, in violation of his constitutional oath to faithfully discharge his duties as Governor and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully neglected the duties of his office:

Beginning on or about October 2011 and continuing until the filing of this Article of Impeachment, Benigno Repeki Fitial failed to nominate to the Commonwealth Senate a nominee for consideration and confirmation, a member of the CNMI Supreme Court who would serve as one of the three members constitutionally mandated by section 3 of Article IV of the Commonwealth Constitution which provides that the Supreme Court shall consist of a chief justice and at least two associate justices.

In failing to act, Benigno Repeki Fitial has ignored the will of the governed by ignoring a duty imposed on him by the Constitution by failing to appoint a Chief Justice within 90 days of the October 2011 vacancy until the September 2012 nomination and October 2012 confirmation of Chief Justice Alexandro C. Castro. Said neglect reduced the efficiency of a coequal branch tasked with interpretation of the Constitution, impaired the ability of the Commonwealth Judiciary to conduct its business in an orderly and timely manner, and removed or reduced a check on executive branch authority.

1 conduct its business in an orderly and timely manner, and greatly diminished the
2 dignity and authority of the Office and position of Commissioner of the
3 Department of Public Safety by allowing individuals to serve in an acting capacity
4 without submitting their appointment to the appropriate presiding officer of the
5 Legislature within 30 days of any temporary appointment, in direct violation of 1
6 CMC section 2902 which thereby also prevented the Legislature from exercising a
7 duty required by law to wit, acting upon the appointee of the Governor within 90
8 days of the temporary appointment to the Department of Public Safety pursuant to
9 1 CMC section 2904.

10 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
11 office while bringing disrepute on the Governorship and has betrayed the trust of
12 those he swore to serve, to the manifest injury of the people of the
13 Commonwealth of the Northern Mariana Islands.

14 Wherefore, Benigno Repeki Fitial, by such inaction warrants impeachment
15 and trial, and removal from office and disqualification to hold and enjoy any
16 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

17 ARTICLE XVI Neglect

18 While Governor of the Commonwealth of the Northern Mariana Islands,
19 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
20 discharge his duties as Governor and in violation of his constitutional duty to take
21 care that the laws be faithfully executed, has willfully neglected the duties of his
22 office:

1 In or about October, 2010, Benigno Repeki Fitial awarded a \$392,406 sole
2 source contract to Integrated Professional Solutions, LLC. An investigative report
3 issued by the Office of Inspector General of the Department of Interior, dated July
4 14, 2011, found evidence suggesting that the contract to IPS violated multiple
5 CNMI ethics laws, including 1 CMC § 8543: Post-Employment Restrictions; 1
6 CMC § 8531: Use of Office, Staff or Employees of Public Office; and 1 CMC §
7 8532: Restraint on Use of Public Position to Obtain Private Benefit; and 1 CMC §
8 8544: Negotiating for Nongovernment Employment. In addition, the Office of the
9 Inspector General found that the contract may have violated CNMI Procurement
10 and Supply Regulations, Part 700, “Ethics in Public Contracting”. Benigno
11 Repeki Fitial neglected to ensure that the applicable laws and regulations of the
12 Commonwealth were followed in contravention of his constitutional duty to
13 ensure the faithful execution of the laws.

14 Through his neglect, Benigno Repeki Fitial has ignored the will of the
15 governed by ignoring a duty imposed on him by the Constitution. In failing to act,
16 Benigno Repeki Fitial has undermined the integrity of his office while bringing
17 disrepute on the Governorship and has betrayed the trust of those he swore to
18 serve, to the manifest injury of the people of the Commonwealth of the Northern
19 Mariana Islands.

20 Wherefore, Benigno Repeki Fitial, by such inaction, warrants
21 impeachment and trial, and removal from office and disqualification to hold and

1 enjoy any office of honor or trust of the Commonwealth of the Northern Mariana
2 Islands.

3 ARTICLE XVII Neglect

4 While Governor of the Commonwealth of the Northern Mariana Islands,
5 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
6 discharge his duties as Governor and in violation of his constitutional duty to take
7 care that the laws be faithfully executed, has willfully neglected the duties of his
8 office:

9 Beginning on or about April of 2012 and continuing until the filing of this
10 Article of Impeachment, Benigno Repeki Fitial failed to nominate to the
11 Commonwealth Senate a nominee for consideration and confirmation to serve as
12 Secretary of the Department of Public Lands as required by Commonwealth
13 statutory law.

14 In failing to act, Benigno Repeki Fitial has ignored the will of the
15 governed by ignoring a duty imposed on him by the laws of the Commonwealth
16 and greatly diminished the dignity and authority of the Office and position of
17 Secretary of Public Lands by allowing individuals to serve in an acting capacity
18 without submitting their appointment to the appropriate presiding officer of the
19 Legislature within 30 days of any temporary appointment, in direct violation of 1
20 CMC section 2902 which thereby also prevented the Legislature from exercising a
21 duty required by law to wit, acting upon the appointee of the Governor within 90

1 days of the temporary appointment to the Department of Public Lands pursuant to
2 1 CMC section 2904.

3 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
4 office while bringing disrepute on the Governorship and has betrayed the trust of
5 those he swore to serve, to the manifest injury of the people of the
6 Commonwealth of the Northern Mariana Islands.

7 Wherefore, Benigno Repeki Fitial, by such inaction warrants impeachment
8 and trial, and removal from office and disqualification to hold and enjoy any
9 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

10 ARTICLE XVIII Neglect

11 While Governor of the Commonwealth of the Northern Mariana Islands,
12 Benigno Repeki Fitial, in violation of his constitutional oath to faithfully
13 discharge his duties as Governor and in violation of his constitutional duty to take
14 care that the laws be faithfully executed, has willfully neglected the duties of his
15 office:

16 Beginning on or about April 2012 and continuing until the filing of this
17 Article of Impeachment, Benigno Repeki Fitial failed to nominate to the
18 Commonwealth Senate a nominee for consideration and confirmation to serve as
19 Secretary of the Department of Public Works as required by Commonwealth
20 statutory law.

21 In failing to act, Benigno Repeki Fitial has ignored the will of the
22 governed by ignoring a duty imposed on him by the laws of the Commonwealth

1 and greatly diminished the dignity and authority of the Office and position of
2 Secretary of Public Works by allowing individuals to serve in an acting capacity
3 without submitting their appointment to the appropriate presiding officer of the
4 Legislature within 30 days of any temporary appointment, in direct violation of 1
5 CMC section 2902 which thereby also prevented the Legislature from exercising a
6 duty required by law to wit, acting upon the appointee of the Governor within 90
7 days of the temporary appointment to the Department of Public Works pursuant to
8 1 CMC section 2904.

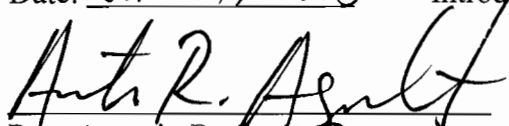
9 In failing to act, Benigno Repeki Fitial has undermined the integrity of his
10 office while bringing disrepute on the Governorship and has betrayed the trust of
11 those he swore to serve, to the manifest injury of the people of the
12 Commonwealth of the Northern Mariana Islands.

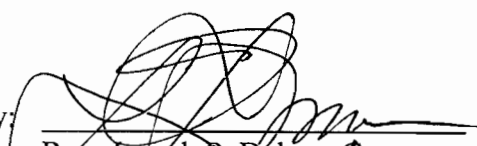
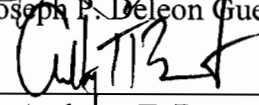
13 Wherefore, Benigno Repeki Fitial, by such inaction warrants impeachment
14 and trial, and removal from office and disqualification to hold and enjoy any
15 office of honor or trust of the Commonwealth of the Northern Mariana Islands.

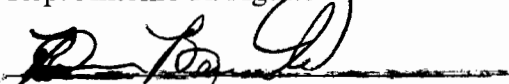
Prefiled: 11/14/13

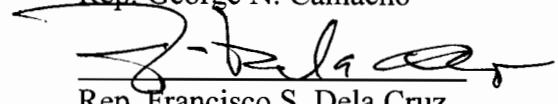
Date: JAN. 14, 2013

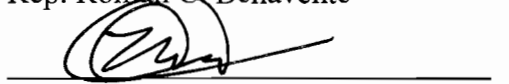
Introduced By:

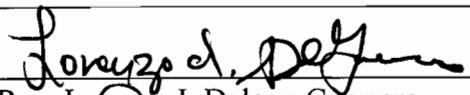

Rep. Antonio R. Agulto

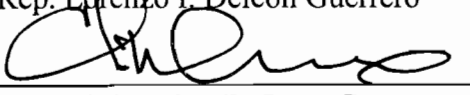

Rep. Joseph P. Deleon Guerrero

Rep. Anthony T. Benavente


Rep. Roman C. Benavente

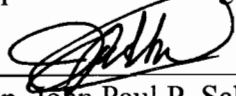
Rep. George N. Camacho

Rep. Francisco S. Dela Cruz


Rep. Trenton B. Conner

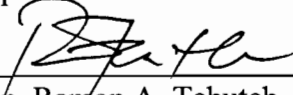

Rep. Lorenzo I. Deleon Guerrero

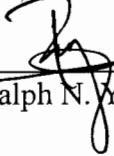

Rep. Christopher D. Leon Guerrero

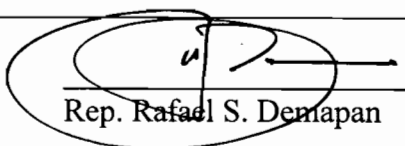
Rep. Felicidad T. Ogumoro

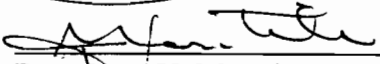

Rep. John Paul P. Sablan


Rep. Richard B. Seman


Rep. Ramon A. Tebuteb


Rep. Ralph N. Yumul


Rep. Rafael S. Demapan


Rep. Janet U. Maratita

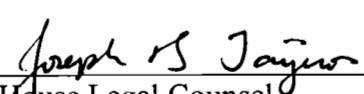

Rep. Antonio P. Sablan

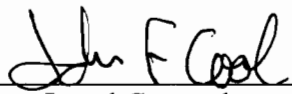
Rep. Teresita A. Santos


Rep. Mariano Taitano

Rep. Edmund S. Villagomez

Reviewed for legal sufficiency by:


House Legal Counsel


House Legal Counsel