

**CHAPTER 69****GENERAL PROVISIONS****Authority**

N.J.S.A. 5:12-69, 70, 74, 75, 76, 99, 100, and 138.

**Source and Effective Date**

R.2011 d.303, effective December 19, 2011.  
See: 43 N.J.R. 2425(a), 43 N.J.R. 3377(a).

**Chapter Expiration Date**

Chapter 69, General Provisions, expires on December 19, 2018.

**Chapter Historical Note**

Chapter 69, Suspicious Transaction Reporting by Casino Licensees, was adopted as R.2000 d.407, effective October 16, 2000. See: 32 N.J.R. 1909(a), 32 N.J.R. 2383(a), 32 N.J.R. 3860(b).

Chapter 69, Suspicious Transaction Reporting by Casino Licensees, was readopted as R.2006 d.3, effective November 28, 2005. See: 37 N.J.R. 3560(a), 38 N.J.R. 337(a). Chapter 69, Suspicious Transaction Reporting by Casino Licensees, expired on November 28, 2010.

Chapter 69, General Provisions, was adopted as new rules by R.2011 d.303, effective December 19, 2011. See: Source and Effective Date.

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**SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES****13:69-1.1 Authority**

These rules are issued under and pursuant to the authority of the Casino Control Act, constituting chapter 110, Laws of New Jersey 1977, as amended.

**13:69-1.2 Definitions**

(a) The following words and terms are defined in the New Jersey Casino Control Act (P.L. 1977, c. 110, as amended) and are used in the rules of the Division as defined in that Act:

- “Affiliate”
- “Annuity jackpot”
- “Annuity jackpot guarantee”
- “Applicant”
- “Application”
- “Attorney”
- “Authorized game” or “authorized gambling game”
- “Cash equivalent value”
- “Casino” or “casino room” or “licensed casino”
- “Casino bankroll”
- “Casino employee”
- “Casino key employee”
- “Casino license”
- “Casino security employee”
- “Casino service industry enterprise”
- “Chairman” and “commissioner” or “member”
- “Commission”
- “Complimentary service or item”

“Conservator”	“Person”
“Conservatorship action”	“Promotional gaming credit”
“Corporate officer”	“Property”
“Creditor”	“Publicly traded corporation”
“Debt”	“Registrant”
“Director”	“Registration”
“Division”	“Regulated complimentary service account”
“Encumbrance”	“Resident”
“Equal employment opportunity”	“Respondent”
“Equity security”	“Restricted casino areas”
“Establishment” or “casino hotel” or “casino hotel facility”	“Security”
“Family”	“Simulcasting facility”
“Game” or “gambling game”	“Slot machine”
“Gaming” or “gambling”	“Slot system agreement”
“Gaming device” or “gaming equipment”	“Slot system operator”
“Gross revenue”	“State of emergency”
“Hearing examiner”	“Statement of compliance”
“Holding company”	“Subsidiary”
“Hotel” or “approved hotel”	“Transfer”
“Institutional investor”	(b) The following words and terms, when used in the Division’s rules, shall have the following meanings, unless the context clearly indicates otherwise:
“Intermediary company”	“Access badge” is defined in N.J.A.C. 13:69A-1.4(b).
“Junket”	“Act” or “Casino Control Act” means the New Jersey Casino Control Act (P.L. 1977, c. 110, as amended).
“Junket enterprise”	“Affiliate” of, or a person “affiliated” with, a specific person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.
“Junket representative”	“All-purpose slot machine hopper” or “all-purpose hopper” is defined in N.J.A.C. 13:69D-1.36(a)1i.
“License”	“Audit department executive” is defined in N.J.A.C. 13:69D-1.11(b)2.
“License or registration fee”	“Authorized game” or “authorized gambling game” is defined at N.J.S.A. 5:12-5 and includes any game approved by the Division pursuant thereto, including all table games, all slot machine games and keno.
“Licensed casino operation”	“Bill changer” means any mechanical, electrical, or other device, contrivance or machine designed to interface mechan-
“Licensee”	
“Multi-casino employee”	
“Multi-casino progressive slot machine system”	
“Operation”	
“Operation certificate”	
“Party”	

(c) Any violation of the provisions of this subchapter by authorized personnel may result in appropriate disciplinary action by the Division.

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## SUBCHAPTER 5. PROFESSIONAL PRACTICE

### 13:69-5.1 General provisions

No person shall practice law, accountancy, architecture, professional engineering, land surveying or any other profession or occupation regulated by the laws of this State before the Division in any manner other than in accordance with law, the ethical standards applicable to the particular profession and the regulations of the Division. "Practice" shall be deemed to comprehend any matter connected with the presentation of the interest of a client including the making of any appearance and the preparing or filing of any necessary written document, correspondence or other paper relative to such interests.

### 13:69-5.2 The practice of law

(a) No person, other than a natural person practicing law on his or her own behalf, shall practice law or represent another person before the Division unless he or she is an attorney authorized to practice law in this State, or a non-attorney authorized by the Division to appear pursuant to New Jersey Court Rule R.1:21-1(f) and N.J.A.C. 1:1-5.4.

(b) Notwithstanding (a) above, an attorney admitted in this State who is in good standing but who does not maintain in this State a bona fide office for the practice of law, or an attorney of any other jurisdiction who is in good standing there, may in the discretion of the Director be admitted to practice in connection with a particular matter by complying with the requirements of N.J.A.C. 1:1-5.2 and provided that an attorney authorized to practice law in this State who is in good standing shall also appear of record in and thereby be responsible for the conduct of the admitted attorney in the particular matter and that both such attorneys shall sign all papers submitted or filed in accordance with the regulations of the Division.

### 13:69-5.3 Notice of appearance by attorney

Each attorney practicing before the Division shall promptly file with the Division a notice of appearance in each matter and on behalf of each client represented and may be required to file evidence of his authority to act in such capacity.

### 13:69-5.4 Other professions and occupations

No person shall practice accountancy, architecture, professional engineering or land surveying before the Division unless he is a certified public accountant, licensed architect, licensed professional engineer or licensed land surveyor of this State. No person shall practice any other profession or occupation regulated by the laws of this State which author-

izes the licensure, certification or any other governmental approval of persons practicing same unless such person is so licensed, certified or approved.

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## SUBCHAPTER 6. (RESERVED)

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## SUBCHAPTER 7. PROHIBITED POLITICAL CONTRIBUTIONS

### 13:69-7.1 Statement of governing principles

(a) Pursuant to N.J.S.A. 5:12-138, casino licensees and other entities and persons closely aligned therewith are prohibited from making contributions of money or things of value to candidates for public office and political organizations in New Jersey. This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the government institutions that are responsible for the supervision of the casino industry, from the uniquely powerful economic force that is presented by that industry. The protection of these interests is critical to the maintenance of public confidence and trust in the regulation of casino gaming in New Jersey.

(b) The statutory prohibition was narrowly drawn in order to preserve the fundamental rights of all persons to express themselves as they see fit with regard to questions of political and public interest, including specifically the advocacy of the election or defeat of candidates for public office. No prohibition on the right of any person to join any political organization or movement, or to advocate the election or defeat of any candidate, was intended or effected by the statutory provision or the rules contained in this subchapter.

(c) Between the right of free expression and the necessary prohibition of certain contributions lies a range of conduct that should be identified as acceptable, or prohibited, in accordance with the public interest, the policies of the Act, and the fundamental rights of all citizens. In addition to the standards established in this subchapter, the declaratory ruling procedure set forth at N.J.A.C. 13:69-3.7 is available to assist all affected persons in understanding and complying with these provisions.

### 13:69-7.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Candidate" means a person seeking nomination or election to any local, county or State public office in New Jersey, but shall not include a person seeking nomination or election to any Federal public office.

“Contribution” means a payment, transfer or pledge of money or a thing of value to or for the benefit of a candidate or political organization.

“Dependent person” means a person who is:

1. An employee or co-employee of a prohibited person;
2. An employee or co-employee of a person affiliated with a prohibited person; or
3. An enterprise or firm, or an officer, director, partner, owner or principal employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a prohibited person.

“Money” means cash or instruments that are convertible to cash in any negotiable currency.

“Political organization” means any committee of any political party in this State, as structured and defined in accordance with the provisions of N.J.S.A. 19:1-1 et seq., or any group, committee, or association organized in support of such political party or any candidate.

“Prohibited person” means an applicant for or holder of a casino license, or any holding, intermediary or subsidiary company thereof; or any officer, director, casino key employee or qualifier of any of these companies; or any person or agent acting on behalf of any of these companies or persons.

“Solicitation” means a request, suggestion or recommendation made to a particular person, by any means of communication, that the person make a contribution; provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political organization, which is made without reference to a contribution, or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political organization, is not a solicitation.

“Thing of value” means:

1. An item of real, personal or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds;
2. A loan of assets, property, personnel or facilities for use by a candidate or political organization, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution;
3. A personal or professional service that is not incidental to the expression of a person’s ideological beliefs or membership in a political organization, and that has a value to the candidate or political organization;

4. A non-reimbursed expense that is not incidental to the expression of a person’s ideological beliefs or membership in a political organization, and is of the type normally incurred by the candidate or political organization; or

5. Any thing, service, expense or other item of value similar to that identified in paragraphs 1 through 4 above which may be identified by the Division in a declaratory ruling or other appropriate proceeding.

### 13:69-7.3 Prohibited contributions and solicitations

(a) No prohibited person shall, directly or indirectly, make any contribution or solicit any person to make a contribution on behalf of a prohibited person.

(b) A contribution shall be considered to have been made on behalf of a prohibited person if, without limitation, it is made:

1. With money or a thing of value that is owned or controlled by a prohibited person; or

2. By any person in response to a solicitation by a prohibited person and under such circumstances as establish that the contribution was involuntary or would not have been made but for the influence of the prohibited person over the person making the contribution.

(c) In determining whether a contribution was made by a person on behalf of a prohibited person pursuant to (b)2 above, the Division shall consider all relevant facts and circumstances, including, but not limited to, the following:

1. Whether the person making the contribution is a dependent person with regard to the prohibited person;

2. The nature and importance of any economic, business, personal, familial or other relationship between the person making the contribution and the prohibited person that currently exists, that existed at the time the contribution was solicited and made, or that is reasonably anticipated to exist in the foreseeable future;

3. The timing and nature of any communications that may have occurred between the person making the contribution and the prohibited person regarding the prohibited person’s desire to raise funds for the candidate or political organization that received the contribution;

4. The ability or inability of the prohibited person to control or affect the actions of the person making the contribution, and any evidence that any such ability played a role in the decision to make the contribution;

5. Any prior contributions to or expressions of support for the candidate or political organization that was the recipient of the contribution by the person making the contribution, and the timing of any such prior contributions or expressions in relation to the establishment of the relationship between the prohibited person and the person making the contribution;

6. Whether the person making the contribution is a resident of New Jersey or has significant property or business interests in this State;

7. The timing and nature of any communications that may have occurred between the person making the contribution and the recipient of the contribution regarding the prohibited person's solicitations on behalf of or expressions of support for the candidate or political organization;

8. Whether there is a pattern or regular course of conduct involving contributions to one or more candidates or political organizations by the person making the contribution;

9. Whether there is a pattern or regular course of conduct involving contributions to one or more candidates or political organizations on the part of employees, contractors or other dependent persons of a prohibited person or any affiliated person or entity thereof; and

10. Whether the prohibited person has, directly or indirectly, reimbursed or offered to reimburse the person making the contribution for all or any portion of the contribution.

**13:69-7.4 Solicitations by prohibited persons; records; reports**

(a) Each prohibited person that solicits a contribution from any person shall prepare a written or computerized record of the solicitation that contains, at a minimum, the following information:

1. The name, address and employer of the prohibited person making the solicitation;

2. The name, address and employer of the person from whom the contribution was solicited;

3. The means of communication by which the contribution was solicited, including a summary of any oral communication or a copy of any written or electronic communication;

4. The name of the candidate or political organization for whose benefit the contribution was solicited; and

5. The date of the solicitation.

(b) Each prohibited person that prepares a record required by (a) above shall transmit a copy of the record to the casino licensee or applicant for a casino license with which that prohibited person is associated within seven calendar days of the solicitation.

(c) Each casino licensee shall maintain on the premises of its casino hotel facility, and each applicant for a casino license shall maintain in a location in New Jersey approved by the Division, a copy of each record prepared pursuant to (a) above by any prohibited person associated with that casino licensee or applicant. Such records shall be made available for inspection by agents of the Division upon request.

(d) Each casino licensee and applicant for a casino license shall file a report with the Division on May 1 and October 15 of each year containing, in a format approved by the Division, a copy of each of the records prepared pursuant to (a) above since the filing of the last report.

(e) If a prohibited person fails to prepare or submit the record required by (a) and (b) above and a contribution is made to the candidate or political organization by the person as a result of the solicitation, the contribution shall be presumed, for purposes of N.J.A.C. 13:69-7.3(b)2, to have been made involuntarily or solely as a result of the influence of the prohibited person over the person making the contribution. This presumption shall apply to the conduct of the prohibited person making the solicitation, but not the person making the contribution, and may be overcome by an evaluation of all of the relevant circumstances.

(f) Each casino licensee or applicant for a casino license shall be responsible for assuring that each prohibited person associated with that casino licensee or applicant is aware of the prohibitions and obligations established by N.J.S.A. 5:12-138 and this subchapter.