

CHAPTER 43

CASINO LICENSEES

Authority

N.J.S.A. 5:12-69, 70(b), (h), (l), and 84.

Source and Effective Date

R.1992 d.500, effective December 21, 1992.
See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Executive Order No. 66(1978) Expiration Date

Chapter 43, Casino Licensees, expires December 21, 1997.

Chapter Historical Note

Chapter 43, originally Casino Service Industries, was adopted as R.1978 d.50, effective February 16, 1978. See: 10 N.J.R. 4(b), 10 N.J.R. 128(c). Those rules were recodified as N.J.A.C. 19:51 (Chapter 51) by R.1992 d.500 and a new Chapter 43, Casino Licensees, was adopted, effective December 21, 1992. See: Source and Effective Date. See, also, Chapter 51 Historical Note for rulemaking history of original rules.

As part of the new Chapter 43, N.J.A.C. 19:41-2 was recodified as Subchapter 6, Casino Hotel Facility Requirements; N.J.A.C. 19:41-13 was recodified as Subchapter 13, Conservatorship; N.J.A.C. 19:51-1 was recodified as Subchapter 14, Advertising, and N.J.A.C. 19:52-1 was recodified as Subchapter 15, Entertainment.

Subchapter 6, originally Casino Hotel Facilities, was adopted as a part of R.1977 d.475 (Chapter 41, Applications), effective December 15, 1977. See: 9 N.J.R. 545(b), 10 N.J.R. 4(d). Subchapter 13, originally Casino License Conservatorship, was adopted as R.1979 d.207, effective May 24, 1979. See: 11 N.J.R. 213(b), 11 N.J.R. 360(b). Pursuant to Executive Order No. 66(1978), Subchapters 6 and 13 were readopted as a part of R.1983 d.81, effective May 17, 1983. See: 15 N.J.R. 532(b), 15 N.J.R. 931(b). Pursuant to Executive Order No. 66(1978), Subchapters 6 and 13 were readopted as a part of R.1988 d.255, effective May 12, 1988. See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Subchapter 14, Advertising, as originally adopted as R.1978 d.14 and codified as N.J.A.C. 19:51-1 (Chapter 51, Advertising; Subchapter 1, General Provisions), effective January 23, 1978. See: 9 N.J.R. 603(a), 10 N.J.R. 82(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1986 d.366, effective August 14, 1986. See: 18 N.J.R. 1258(a), 18 N.J.R. 1841(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1991 d.467, effective August 14, 1991. See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Subchapter 15, Entertainment, was originally adopted as R.1978 d.15 and codified as N.J.A.C. 19:52-1 (Chapter 52, Entertainment; Subchapter 1, General Requirements), effective January 23, 1978. See: 9 N.J.R. 603(b), 10 N.J.R. 82(b). Pursuant to Executive Order No. 66(1978), Chapter 52 expired on September 25, 1991. Subsequently, portions of the expired chapter were adopted as new rules by R.1992 d.15, effective January 6, 1992. See: 23 N.J.R. 3092(a), 24 N.J.R. 112(a). See, also, Chapter 52 Historical Note for complete rulemaking history.

See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS**19:43-1.1 Applicability of rules to noncorporate entities**

For purposes of this chapter, noncorporate entities shall, to the extent possible, comply with all relevant requirements applicable to corporate entities.

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED**19:43-2.1 Persons required to be licensed**

No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82.

Case Notes

Provider of travel industry services exempt from casino licensing if engaged in routine transactions covered by standard rate schedule filed by casino and approved by Commission, and licensed or approved by the Interstate Commerce Commission (based on Casino Control Commission Staff Memorandum). *Holland Industries, Inc. v. Adamar of New Jersey, Inc.*, 550 F.Supp. 646 (S.D.N.Y.1982).

Electronic fund transfer companies subject to licensure; credit card money advance via electronic transfer prohibited. *Div. of Gaming Enforcement v. Comdata Network, Inc.*, 6 N.J.A.R. 188 (1980).

19:43-2.2 Persons required to be qualified

(a) Except as otherwise provided in N.J.A.C. 19:43-2.7, no casino license shall be issued or renewed by the Commission unless the individual qualifications of every person required by the Act and the Commission to qualify as part of the application for the issuance or renewal of the casino license shall have first been established in accordance with all relevant standards set forth in the Act and the rules of the Commission.

(b) The following persons shall be required to qualify as part of the application for the issuance or renewal of a casino license:

1. All persons eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82;
2. All financial sources required to qualify pursuant to the provisions of N.J.S.A. 5:12-84b; and
3. All persons required to qualify pursuant to the provisions of N.J.S.A. 5:12-85c, d, e and f.

(c) The Commission may at any time require a casino licensee or applicant to establish the qualification of any person that the Commission may deem appropriate for qualification pursuant to N.J.S.A. 5:12-84, 85, and 105. Any person deemed appropriate for qualification shall promptly file the required application form.

1. The casino licensee, in the event any change is rejected, shall either:

i. Correct any rejected change to conform with the floor plan accompanying the notice and the description previously submitted to the Commission, as modified by any properly filed amendments thereto, which correction shall be completed and inspected pursuant to this section;

ii. Submit for approval, pursuant to (a) above, a new application for the proposed change; or

iii. Take such other action as the Commission may direct to ensure that the currently approved floor plan accurately depicts the physical layout of the casino, the casino simulcasting facility, if any, and any restricted area; and

2. The operation certificate shall be amended to conform to each inspected and approved physical change.

(e) For purposes of this subchapter, a "business day" shall be a calendar day other than:

i. A Saturday or Sunday; or

ii. Any day on which the Commission's main offices are closed because of Federal, State or local holiday, inclement weather, or like circumstance.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.7 Operation certificate; temporary amendments for alternate pit configurations

(a) Except as otherwise provided in this section or in N.J.A.C. 19:43-7.4(f), each casino licensee shall configure the pits in its casino or casino simulcasting facility, as to types, number and location of games, strictly in accordance with the floor plans approved by the Commission at the time the operation certificate originally was issued or as amended pursuant to N.J.A.C. 19:43-7.6.

(b) Each casino licensee may temporarily reconfigure one or more pits by filing with the Commission, at the office of its principal inspector in the establishment, an application for a temporary operation certificate to permit an alternate configuration for each pit specified in the application, which shall be filed at least three business days prior to implementing such alternate configuration. Within that three-day period the Commission shall notify the casino licensee whether the alternate configuration is approved or rejected.

(c) In accordance with the specific terms of any temporary operation certificate issued by the Commission, the casino licensee to which the temporary operation certificate is issued shall implement the alternate configuration for an initial period of no more than 30 consecutive days, renewable upon application to the Commission for one additional period of no more than 30 consecutive days, which shall

immediately follow the conclusion of the initial period. Each such alternate pit shall not:

1. Exceed the dimensions approved for the pit that existed immediately prior to the reconfiguration; nor

2. Include any change requiring the approval of any Federal, State or local government building code official without having first obtained that approval and the approval of the Commission in accordance with N.J.A.C. 19:43-7.6.

(d) Each casino licensee shall obtain approval for any changes, other than those permitted by this section, to the configuration of the pits in its casino and casino simulcasting facility, if any, in accordance with N.J.A.C. 19:43-7.6.

(e) Each pit operating under an approved configuration shall have an electrical system, approved by the Commission, which enables a pit clerk or a pit supervisor to transmit a signal that is audibly and visually reproduced in each of the following locations whenever there is an emergency in the pit:

1. The monitoring rooms required by N.J.A.C. 19:45-1.10; and

2. The casino security department.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

19:43-7.8 Access to public and restricted areas

(a) No casino licensee shall permit any person to have access to any restricted area in its establishment unless such access is permitted in accordance with the casino licensee's internal controls.

(b) Each casino licensee may deny or limit access to any public areas in order to preserve the policies of the Act, including, but not limited to, the following:

1. Persons excluded or excludable under N.J.S.A. 5:12-71 and N.J.A.C. 19:48, or 5:12-71.1;

2. Employees of casino licensees prohibited from wagering at any game or on casino simulcasting under N.J.S.A. 5:12-100n and N.J.A.C. 19:55-2.8;

3. Underage persons prohibited from gaming and simulcast wagering under N.J.S.A. 5:12-119a and N.J.A.C. 19:42-5.9;

4. Persons seeking to play the game of blackjack to whom the provisions of N.J.A.C. 19:47-2.3(j) apply;

5. Players required by a casino licensee to leave the game of poker under N.J.A.C. 19:47-14.16; and

6. Employees of a casino licensee for whom access to the public areas of a casino or a casino simulcasting facility is controlled in accordance with a casino licensee's internal controls submitted pursuant to N.J.A.C. 19:43-9.1(a)7.

(c) Nothing in this section shall limit the authority of Commission members or employees and Division employees or agents from obtaining access to restricted areas during the performance of their respective duties and responsibilities in accordance with the Act and the rules of the Commission.

Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

SUBCHAPTER 8. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

19:43-8.1 Minutes of meetings of boards and committees

Each casino licensee or applicant or holding company thereof shall file with the Commission and Division copies of the minutes of all meetings of its board of directors or partnership executive committee, as applicable, and of all committee meetings including, without limitation, the audit committee, within seven days of their formal adoption.

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

19:43-9.1 Employee internal controls submission

(a) Each casino licensee or applicant shall, pursuant to N.J.S.A. 5:12-99, submit an original and three copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning employee licensing requirements. Unless otherwise directed by the Commission, an initial submission shall be made at least 60 days prior to the projected date of issuance of a certificate of operation. Each such submission shall be prepared and maintained in a format provided by the Commission; shall contain narrative and, where appropriate, diagrammatic representations of the internal control system to be utilized by the casino licensee or applicant, and shall address, without limitation, the following employee licensing requirements:

1. Procedures used to prepare and maintain a jobs compendium;
2. Procedures used to process and submit applications for casino key employee licenses, casino employee licenses and casino service employee registrations;
3. Procedures used to prepare and submit petitions for temporary employee licenses;
4. Procedures for assuring that only properly licensed or registered persons are employed in each position for which a license or registration is required;

5. Procedures for assuring that no person whose license, registration, qualification or approval has been denied or revoked or whose license or registration has been suspended is employed in any position which does not require a license or registration, except as expressly authorized by the Commission;

6. Procedures for assuring that no unlicensed or unregistered person who has committed a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1) is employed as a CHAB employee, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.11;

7. Procedures used to record the number of hours worked by employees;

8. Procedures used to assure the timely renewal of employee licenses; and

9. Procedures and a control plan for readily identifying each employee of a casino licensee who is permitted, during the normal course of performing his or her duties or during emergencies, to have access to one or more public or restricted areas, and for issuing temporary license credentials and plenary access badges.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the regulations of the Commission. If the Commission finds any insufficiencies, it shall specify same in writing to the casino licensee or applicant who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the casino licensee or applicant accordingly. No casino licensee shall commence or maintain gaming operations unless and until its employee licensing internal controls submission is approved by the Commission.

(c) Any proposed amendment to a previously approved employee licensing internal controls submission shall be submitted, unless otherwise directed by the Commission, at least 60 days before any change in those procedures or controls is to take effect. Such submission shall conform with the requirements set forth in (a) above.

Amended by R.1994 d.265, effective June 6, 1994.
See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).
Amended by R.1995 d.591, effective November 20, 1995.
See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).
Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

19:43-9.2 Obligation to terminate, suspend or refuse employment; form of notice

(a) Except as authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11:

1. Each casino licensee shall terminate or suspend the employment of any person whose license, registration, qualification or approval has been denied, revoked or suspended by the Commission;

2. No casino licensee shall employ any person whose license, registration, qualification or approval has been denied, revoked or suspended during the period such person is restricted from employment pursuant to N.J.A.C. 19:41-8.8; and

3. No casino licensee shall knowingly employ any unlicensed or unregistered person as a CHAB employee if such person has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1).

(b) Any casino licensee required to terminate or suspend the employment of any such person shall do so within 24 hours of receipt of notice from the Commission as defined in (c) below.

(c) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, license, registration or application number and employment eligibility status of each person whose license, registration or application has been revoked, suspended or denied by the Commission.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 P.M. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 P.M. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(d), this notice shall be deemed received by the casino licensee at 9:00 A.M. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 A.M. on the first weekday thereafter that is not a State or Federal holiday.

New Rule, R.1994 d.68, effective February 7, 1994.
See: 25 N.J.R. 4871(a), 26 N.J.R. 828(b).
Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

Case Notes

Good character, honesty and integrity for licensure as casino employee was established notwithstanding previous egregious defiance of regulatory system. Application of Tran, 95 N.J.A.R.2d (CCC) 5.

Casino key employee license properly granted. Gaming Enforcement Division v. Baldino, 94 N.J.A.R.2d (CCC) 47.

Rehabilitated gaming agent could maintain registration. Division of Gaming Enforcement v. Gonzalez, 94 N.J.A.R.2d (CCC) 20.

Theft from casino; mitigation of offense permitted continued registration. Division of Gaming Enforcement v. Diglio, 94 N.J.A.R.2d (CCC) 15.

Registration disqualification following extortion conviction was waived. Division of Gaming Enforcement v. Galanti, 94 N.J.A.R.2d (CCC) 1.

Interests of justice; employee granted waiver of disqualifying offense and permitted to retain his casino hotel employee registration number. State of N.J. Department of Law & Public Safety v. Whitfield, 92 N.J.A.R.2d (CCC) 61.

Revocation of casino key employee license was warranted. State of New Jersey, Dept. of Law & Public Safety, Div. of Gaming Enforcement v. Korn, 92 N.J.A.R.2d (CCC) 54.

Revocation of casino employee license was warranted. Department of Law and Public Safety, Division of Gaming Enforcement v. Faris, 92 N.J.A.R.2d (CCC) 51.

Interest of justice supported waiver of disqualification criteria. State of New Jersey, Department of Law & Public Safety, Division of Gaming Enforcement v. Wilson, 92 N.J.A.R.2d (CCC) 50.

Conviction did not warrant revocation of hotel employee registration. State of New Jersey, Department of Law and Public Safety v. Biggio, 92 N.J.A.R.2d (CCC) 46.

Certification of casino hotel employee registration. Department of Law & Public Safety, Division of Gaming Enforcement v. Fiadino, 92 N.J.A.R.2d (CCC) 44.

Casino teller's license would not be renewed. Carter v. State of New Jersey, Department of Law and Public Safety, 92 N.J.A.R.2d (CCC) 38.

Arrests did not undermine casino employee's good character. Lindner v. Department of Law & Public Safety, Division of Gaming Enforcement, 92 N.J.A.R.2d (CCC) 37.

Casino employee demonstrated sufficient rehabilitation to warrant renewal of license. N.J.S.A. 5:12-86, 5:12-89, 5:12-90. Trettner v. Department of Law & Public Safety, Div. of Gaming Enforcement, 92 N.J.A.R.2d (CCC) 29.

Applicant could not establish necessary good character or financial integrity. N.J.S.A. 5:12-86, 5:12-89. Hannon v. Division of Gaming Enforcement, 92 N.J.A.R.2d (CCC) 23.

There was intentional withholding of material information disqualifying applicant. N.J.S.A. 5:12-86, 5:12-89, 5:12-90. Renewal Application of Richard Wagenfeld for a Casino Employee License, 92 N.J.A.R.2d (CCC) 11.

Casino employee committed theft but her casino key employee license would be renewed. N.J.S.A. 2C:21-4, 5:12-86, 5:12-89, 5:12-91. Hamlett v. Division of Gaming Enforcement, 92 N.J.A.R.2d (CCC) 9.

Casino hotel employee affirmatively demonstrated a rehabilitation by clear and convincing evidence. N.J.S.A. 5:12-86, 5:12-91, 5:12-129. Department of Law and Public Safety, Div. of Gaming Enforcement v. Lindmeier, 92 N.J.A.R.2d (CCC) 7.

Casino worker sufficiently demonstrated rehabilitation under the Casino Control Act. N.J.S.A. 2C:21-4, 5:12-1, 5:12-86, 5:12-91. Department of Law and Public Safety, Div. of Gaming Enforcement v. Rodriguez, 92 N.J.A.R.2d (CCC) 5.

Applicant's disqualifying offense was overcome. N.J.S.A. 5:12-86, 5:12-89, 5:12-90. Application of Dennis Preston Burleigh for a Casino Employee License, 92 N.J.A.R.2d (CCC) 1.

Applicant demonstrated sufficient rehabilitation to warrant licensure. N.J.S.A. 5:12-86, 5:12-89, 5:12-90. Perrotti v. Division of Gaming Enforcement, 91 N.J.A.R.2d (CCC) 5.

License application would be remanded to an individual hearing examiner of the Casino Control Commission. Yerci v. New Jersey Dept. of Law and Public Safety, 91 N.J.A.R.2d (CCC) 1.

19:43-9.3 Employee reporting and recordkeeping requirements

(a) Each casino licensee shall maintain a complete, accurate and current record of each employee including, without limitation, the information in (b) below.

(b) Each casino licensee shall file the following reports with the Commission by electronic data transfer on the first and the 15th calendar day of each month:

1. For each current employee:
 - i. License or registration number, if applicable;
 - ii. Social Security number, if such information has been voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 522a;
 - iii. Last name, first name and middle initial;
 - iv. Date of birth;
 - v. Address, including zip code;
 - vi. Position, represented by a job code that corresponds with a position described in the casino licensee's approved job compendium maintained pursuant to N.J.A.C. 19:45-1.11A, except that a single job code may be used for all positions which do not require a license or registration;
 - vii. Job title as it appears in the casino licensee's approved jobs compendium and which corresponds with the job code required by (b)1vi above;
 - viii. Initial date of hire in the position indicated by the job code in (b)1vi above;
 - ix. The casino code assigned by the Commission to the casino licensee.
 - x. The access code, if any, assigned to the employee, which code designates the restricted casino areas that the employee is permitted to enter and remain in for the purposes of performing his or her normal duties;
 - xi. The casino code assigned by the Commission to the casino licensee; and
 - xii. For any CHAB employee who does not hold a valid license or registration, whether such employee has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1).

2. For each individual whose employment has been terminated since the date of the most recent report filed with the Commission pursuant to this subsection:

- i. The information in (b)1i through x above; and
 - ii. The effective date of termination.
3. A record of any and all designations used by a casino licensee to describe categories of its employees, for example "full time," "part time," or "seasonal," the number of employees in each such category and the total number of all employees in all categories; and
4. The date on which the information provided in the report was compiled.

New Rule, R.1994 d.66, effective February 7, 1994.
 See: 25 N.J.R. 5114(b), 26 N.J.R. 827(a).
 Amended by R.1996 d.69, effective February 5, 1996.
 See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

19:43-9.4 (Reserved)

New Rule, R.1994 d.219, effective May 2, 1994.
 See: 26 N.J.R. 783(a), 26 N.J.R. 1851(a).
 Repealed by R.1995 d.306, effective June 19, 1995.
 See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).
 Section was "Employee experiential hours".

19:43-9.5 Petitions for casino service employee registration

(a) In accordance with N.J.S.A. 5:12-91f, no casino service employee registration shall be issued by the Commission except upon the petition of a casino licensee or applicant. Such petition shall be in writing and shall include the following:

1. The name and date of birth of the applicant for registration;
2. The position in which the applicant for registration will be employed;
3. A statement by the casino licensee or applicant that it has verified that the applicant for registration is eligible to work and that it has completed the Employment Eligibility Verification Form (Form I-9) provided by the U.S. Department of Justice, Immigration and Naturalization Service; and
4. Either of the following:
 - i. A completed application for casino service employee registration as set forth in N.J.A.C. 19:41-7.1A, which shall be accompanied by a written statement, signed and dated by the applicant for registration and an authorized representative of the casino licensee or applicant, authorizing the casino licensee or applicant to file the application on behalf of the applicant for registration; or
 - ii. A certification by the applicant for registration that he or she has filed a completed application with the Commission.

New Rule, R.1994 d.280, effective June 6, 1994.
 See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(a).
 Amended by R.1995 d.306, effective June 19, 1995.
 See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS

19:43-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record

(a) No agreement entered into with any person by or on behalf of a casino licensee or applicant shall be performed or in force or effect unless the casino licensee or applicant has filed a Master Purchasing and Disbursement Report, and: