

CHAPTER 43

CASINO LICENSEES

Authority

N.J.S.A. 5:12-63c, 69a, 70a, 70b, 70h, 70i, 70o, 80 through 88, 96, 98, 102, and 130.1 through 130.11.

Source and Effective Date

R.2007 d.209, effective June 7, 2007.
See: 39 N.J.R. 1246(a), 39 N.J.R. 2545(b).

Chapter Expiration Date

Chapter 43, Casino Licensees, expires on June 7, 2012.

Chapter Historical Note

Chapter 43, 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).

Chapter 43, Casino Service Industries, was recodified as Chapter 51, Casino Service Industries, by R.1992 d.500. As part of R.1992 d.500, Chapter 43, Casino Licensees, was adopted as new rules, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a). See, also, Chapter 51, Casino Service Industries, Historical Note for rule-making history. As part of R.1992 d.500, Subchapter 6, Casino Hotel Facility Requirements, was recodified from N.J.A.C. 19:41-2; Subchapter 13, Conservatorship, was recodified from N.J.A.C. 19:41-1.13; Subchapter 14, Advertising, was recodified from N.J.A.C. 19:51-1; and Subchapter 15, Entertainment, was recodified from N.J.A.C. 19:52-1.

Subchapter 5, Application Requirements, and Subchapter 11, Renewal of Casino License, were adopted as new rules by R.1994 d.341, effective July 5, 1994. See: 26 N.J.R. 1615(a), 26 N.J.R. 2798(e).

Subchapter 7, Operation Certificate, was adopted as new rules by R.1994 d.265, effective June 6, 1994. See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Subchapter 16, Underage Gaming, was adopted as new rules by R.1995 d.495, effective September 5, 1995. See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Casino Licensees, was readopted as R.1998 d.52, effective December 18, 1997. See: 29 N.J.R. 4669(a), 30 N.J.R. 382(a).

Chapter 43, Casino Licensees, was readopted as R.2002 d.137, effective April 15, 2002. See: 34 N.J.R. 379(a), 34 N.J.R. 1734(a).

Chapter 43, Casino Licensees, was readopted as R.2007 d.209, effective June 7, 2007. See: Source and Effective Date.

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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.

2. At the end of each calendar year:

i. An annual forecast by calendar quarters of the operating and financial performances of the casino licensee for the upcoming calendar year, including statement of income and balance sheet, which shall be submitted in the standard format prescribed by the Commission or such other format approved by the Commission; and

ii. A detailed analysis of compliance with N.J.A.C. 19:43-4.2(b)4; and

3. Such other information as the Commission or Division shall deem material to a showing of financial stability for a particular casino licensee.

19:43-4.5 Failure to demonstrate financial stability

In the event that a casino licensee or applicant fails to demonstrate financial stability, the Commission may take such action as is necessary to fulfill the purposes of the Act and to protect the public interest, including, but not limited to: issuing conditional licenses, approvals or determinations; establishing an appropriate cure period; imposing reporting requirements in excess of those otherwise mandated by these regulations; placing such restrictions on the transfer of cash or the assumption of liabilities as is necessary to insure future compliance with the standards set forth in N.J.A.C. 19:43-4.2(b); requiring the maintenance of reasonable reserves or the establishment of dedicated or trust accounts to insure future compliance with the standards set forth in N.J.A.C. 19:43-4.2(b); denying licensure; appointing a conservator pursuant to section 130.1 et seq. of the Act.

SUBCHAPTER 5. APPLICATION REQUIREMENTS

19:43-5.1 General information requirements

No casino license shall be issued or renewed by the Commission unless the applicant, and each person required to be qualified as part of the application, provides all information, documentation and assurances required by N.J.S.A. 5:12-80, 82, 83, 84, 85, 86 and 87 or as otherwise may be required to establish its qualification pursuant to the Act and the rules of the Commission.

19:43-5.2 Duration of license; conditions

(a) In accordance with N.J.S.A. 5:12-87e and 88, a casino licensee shall be issued by the Commission for an initial period of one year, and shall be renewable thereafter for a period of up to one year for each of the first two renewal terms, and up to four years for successive renewal terms thereafter.

(b) A casino license may be issued or renewed subject to such conditions, restrictions, limitations or covenants as the Commission, in its discretion, deems necessary.

Amended by R.1996 d.160, effective March 18, 1996.
See: 28 N.J.R. 75(a), 28 N.J.R. 1559(a).

19:43-5.3 Contents of application for initial casino license

(a) An application for the initial issuance of a casino license shall include, without limitation, the following information, which shall be completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the application materials:

1. A Business Entity Disclosure Form—Corporate (BED—Corporate) as set forth in N.J.A.C. 19:41-5.6 or Business Entity Disclosure Form—Partnership (BED—Partnership) as set forth in N.J.A.C. 19:41-5.6A for each of the following:

- i. The casino license applicant;
- ii. Each holding company or intermediary company of the applicant required to be qualified pursuant to N.J.S.A. 5:12-85b, d or e; and
- iii. Each entity required to be qualified pursuant to N.J.S.A. 5:12-85c;

2. The appropriate Personal History Disclosure Form (PHDF) for the following:

- i. For each natural person required to be qualified pursuant to N.J.S.A. 5:12-85c or e by virtue of his or her relationship to the applicant, the PHDF required by N.J.A.C. 19:43-2.6; and
- ii. For each natural person required to be qualified pursuant to N.J.S.A. 5:12-85c and d by virtue of his or her relationship to a holding company or intermediary company of the applicant, the PHDF required by N.J.A.C. 19:43-2.7;

3. Such information and documentation as may be required by the Commission or the Division to establish the qualification of any person required to be qualified as a financial source pursuant to N.J.S.A. 5:12-84b;

4. Such information and documentation as may be requested by the Commission or the Division to demonstrate the financial stability, integrity and responsibility of the casino license applicant and each holding company or intermediary company of the applicant required to be qualified pursuant to N.J.S.A. 5:12-84a and 85 and N.J.A.C. 19:43-4, the integrity of its financial sources and adequacy of its financial resources pursuant to N.J.S.A. 5:12-84b, and sufficient business ability and the likelihood of successful and efficient casino operations pursuant to N.J.S.A. 5:12-84d;

5. Such information and documentation as may be required by the Commission or the Division to establish compliance with N.J.S.A. 5:12-103, N.J.A.C. 19:50, Title

33 of the Revised Statutes (N.J.S.A. 33:1-1 et seq.), and the regulations, rulings and bulletins of the Division of Alcoholic Beverage Control. This information and documentation shall include, without limitation, the following:

i. A description of each casino hotel alcoholic beverage location, including the floor or level and the type of location as set forth in N.J.S.A. 5:12-103g and N.J.A.C. 19:50-1.4; and

ii. Architectural blueprints, floorplans or other such drawings, drawn to one-eighth inch scale or such other scale approved by the Commission, highlighting and identifying by name each alcoholic beverage location on those floors or levels containing such locations.

6. Such information and documentation as may be required by the Commission or the Division to establish compliance with N.J.S.A. 5:12-83, 84e and all other relevant facilities requirements of the Act and the rules of the Commission including, without limitation, the following:

i. A description of the proposed casino hotel site, including site plans, total acreage, total square footage, frontages and elevation;

ii. A description of the proposed casino hotel, including floor plans; and the total number of qualifying and non-qualifying sleeping units pursuant to N.J.S.A. 5:12-27 and 83, the number of sleeping units on each floor, the square footage of each unit and the average size of all units;

iii. A description of the casino room and casino simulcasting facility, including floor plans;

iv. The construction program, including estimated construction time and anticipated date of opening; the status of all required governmental and regulatory approvals and any conditions thereto; the project budget; and the architect, general contractor, construction manager and primary subcontractors, environmental consultant and interior designer; and

v. An impact statement and related material which establishes to the satisfaction of the Commission the suitability of the casino and related facilities in accordance with the standards set forth in N.J.S.A. 5:12-84e;

7. The information required in N.J.A.C. 19:53-2.4, 2.5, 2.6, 4.6 and 6.7 and such other information, documentation and assurances as may be requested by the Commission or the Division to ensure compliance with the equal employment and business opportunity and affirmative action requirements of N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53;

8. The initial license fee required by N.J.A.C. 19:41-9.4; and

9. Any other information or documentation which the Commission or the Division may deem material to the qualification of the applicant, or of any person required to be licensed or qualified, pursuant to the Act and the rules of the Commission.

(b) The applicant shall file an original and three copies of each Personal History Disclosure Form required by (a) above, and an original and four copies of all other information required by (a) above, with the Commission in accordance with N.J.A.C. 19:40-3.5(b).

Amended by R.1999 d.416, effective December 6, 1999.

See: 31 N.J.R. 1585(a), 31 N.J.R. 4122(a).

In (a), inserted a new 5, recodified former 5 through 8 as 6 through 9, and in the new 6, deleted a former iv and recodified former v and vi as iv and v.

19:43-5.4 Petitions for waiver

(a) Upon the petition of a casino license applicant, the Commission, with the concurrence of the Director, may waive compliance with the qualification requirements of N.J.S.A. 5:12-85d for an officer, director, lender, underwriter, agent, employee or security holder of a holding or intermediary company of a casino licensee pursuant to N.J.S.A. 5:12-85d(1), or for an institutional investor thereof pursuant to N.J.S.A. 5:12-85f. Such petition shall be in writing and shall include the following:

1. A description of all outstanding securities of the applicant and its holding companies and intermediary companies and a list of all holders thereof; and

2. A certification in support of the petition, including the following:

i. Compliance with the criteria for such waivers as set forth in N.J.S.A. 5:12-85d(1) or f; and

ii. A statement of compliance with the notice requirements set forth in N.J.A.C. 19:43-2.5(a) and (b).

Amended by R.2003 d.313, effective August 4, 2003.

See: 35 N.J.R. 1497(a), 35 N.J.R. 3564(a).

In (a), deleted "publicly traded" following "security holder of a" in the introductory paragraph..

19:43-5.5 Statements of compliance; commitment to reserve a casino license

(a) A casino license applicant may, pursuant to N.J.S.A. 5:12-81, file a petition requesting that the Commission issue a statement of compliance that the applicant has established compliance with one or more of the eligibility criteria required by the Act or the rules of the Commission for a casino license.

(b) A statement of compliance certifying satisfaction of the requirements of N.J.S.A. 5:12-84e may be accompanied by a written commitment by the Commission to reserve a casino license in accordance with N.J.S.A. 5:12-81c.

19:43-9.6 Notice, verification and implementation of wage execution

(a) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, and, if applicable, the license or registration number of each person subject to a Commission order pursuant to N.J.A.C. 19:42-2.11A.

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.

(b) Upon receipt of the notice in (a) above, a casino licensee shall either:

1. Verify that, except as provided in (c)1 below, a wage execution is in place for each employee whose name appears on the list; or

2. If a wage execution is not in place for any such employee, the casino licensee shall:

i. Obtain a copy of the Commission order and relevant consent agreement or court order from the employee or immediately request copies from the Commission; and

ii. Within 10 days of receipt of the notice, implement the Commission order by remitting the required amount of the employee's wages to the agency identified in the consent agreement or court order until the amount specified has been remitted or until the employee provides evidence that the debt has been paid in full.

(c) Notwithstanding (b) above:

1. A casino licensee shall notify the Commission in writing of any prior wage execution orders, final decrees in bankruptcy proceedings or any other reason which prevents compliance with the Commission's order, including the terms and priorities of such orders or decrees.

2. A casino licensee shall be permitted, upon written notice to the Commission, to cease implementation of any consent agreement imposed pursuant to N.J.A.C. 19:42-2.11A, if it receives a subsequent court order directing a wage execution for that employee or a final decree in a bankruptcy proceeding which discharges the underlying debt.

New Rule, R.1996 d.473, effective October 7, 1996.
See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(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:

1. The person is licensed as a casino service industry pursuant to N.J.S.A. 5:12-92a or c, is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92c, or is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92a or N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.2A(b) and has been granted a transactional waiver pursuant to N.J.A.C. 19:51-1.2B; or

2. The appropriate filings have been submitted on behalf of the person in accordance with N.J.A.C. 19:43-10.4 or the Commission has exempted the transaction from such filing requirements pursuant to N.J.A.C. 19:43-10.5.

(b) The Commission shall maintain an Active Vendors Record of persons with whom a casino licensee or applicant may do business for the reasons set forth in (a) above.

(c) Notwithstanding any other provision of this subchapter no casino licensee or applicant shall enter into an agreement with any person who:

1. Has been found disqualified pursuant to N.J.S.A. 5:12-86;

2. Has failed to comply with the filing requirements of N.J.A.C. 19:43-10.4;

3. Has been subject to a suspension, revocation or denial of a casino service industry license or dismissal of an application pursuant to N.J.A.C. 19:41-9.3 or 19:51-1.5 or 1.10;

4. Is restricted from application pursuant to N.J.A.C. 19:41-8.6 or 19:51-1.2A(h); or

5. Has been temporarily prohibited from doing business with casino licensees and applicants pursuant to N.J.A.C. 19:42-3.

(d) The Commission shall maintain a Prohibited Vendors Record of persons with whom casino licensees and applicants are prohibited from doing business for the reasons set forth in (c) above. Such record shall be made available to casino licensees and applicants on a regular basis.

(e) No person shall be removed from the Prohibited Vendors Record except as follows:

1. By order of the Commission;

2. Upon expiration of the applicable period of restriction; or

3. For a person who is placed on the Prohibited Vendors Record for failure to comply with all applicable filing requirements, upon compliance therewith or after a period of five years from the date of prohibition unless the Commission determines that such person should remain on the Record to protect the public interest and further the policies set forth in N.J.S.A. 5:12-1(b)6, 1(b)9, 92 and 104.

New Rule, R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1997 d.36, effective January 21, 1997.

See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).

In (c)5, amended N.J.A.C. reference.

Amended by R.1999 d.417, effective December 6, 1999.

See: 31 N.J.R. 1917(a), 31 N.J.R. 4123(a).

Rewrote (e).

19:43-10.2 Maintaining agreements; filing of agreements

(a) Pursuant to N.J.S.A. 5:12-104b, each casino licensee or applicant shall be required to maintain a fully signed copy of every written agreement and records with respect to any unwritten agreement, which provide, at a minimum, the terms thereof, the parties thereto and a description of the goods or services provided regarding the following, whether or not the casino licensee or applicant is a party to such agreement and whether or not the agreement provides for the exchange of direct compensation:

1. The realty of the casino hotel or related facility, including construction, maintenance, renovation, expansion or demolition;

2. Any person doing business with or for the benefit of the casino licensee or applicant; or

3. Any person doing business on the premises of the casino hotel.

(b) Each casino licensee or applicant shall submit a copy of any written agreement or a precise written description of any unwritten agreement for which records are maintained pursuant to (a) above upon oral or written request from the Commission based upon a determination that such filing is necessary to protect the public interest and accomplish the policies of the Act.

(c) Except as otherwise provided in (d) below, each casino licensee or applicant shall submit to the Commission a copy or a precise written description of the following:

1. Any agreement subject to (a) above or any material amendment thereto, which agreement or amendment specifically provides for payments of \$150,000 or more during any 12-month period; or

2. Any agreement subject to (a) above which includes as a party, an independent producer who shall receive revenue from ticket sales for public entertainment held at a casino hotel.

(d) An agreement that is otherwise subject to (c) above shall not be required to be submitted to the Commission if:

1. The agreement is with a casino service industry licensee or applicant or a person who has been exempted from casino service industry licensure pursuant to N.J.S.A. 5:12-92c; or

2. The agreement involves a transaction which has been exempted from vendor registration pursuant to N.J.A.C. 19:43-10.5.

(e) Any written description submitted pursuant to this section shall be submitted to the Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1 and shall provide, at a minimum, the following:

1. The nature of the goods or services to be provided to the casino licensee or applicant;

2. The full name and business address of the noncasino party to the agreement;

3. The duration of the agreement or, if provided in the agreement, the specific date or dates of performance; and

4. The financial terms of the agreement.

(f) An agreement submitted pursuant to (c) above shall be filed as follows:

1. An agreement with any enterprise listed on the Active Vendors Record shall be filed no later than 20 calendar days following the date of execution of any written agreement or the date of acceptance of an unwritten agreement; and

2. An agreement with an enterprise not listed on the Active Vendors Record shall be filed at the time that a Vendor Registration Form is filed for that enterprise in accordance with N.J.A.C. 19:43-10.4.

Recodified from 19:41-11.1 and amended by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1997 d.282, effective July 7, 1997.

See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).

In (a)1, inserted reference to demolition.

Amended by R.1998 d.123, effective March 2, 1998.

See: 29 N.J.R. 4670(a), 30 N.J.R. 867(a).

Added new (c) through (f).

Amended by R.2005 d.396, effective November 21, 2005.

See: 37 N.J.R. 2855(a), 37 N.J.R. 4470(a).

In (c)1, increased payment from "\$75,000" to "\$150,000".

19:43-10.3 Review of agreements and records of agreements; termination upon disapproval

(a) The Commission may review each agreement and record maintained or filed pursuant to N.J.A.C. 19:43-10.2 to determine the following:

1. The reasonableness of the terms of the agreement, including the terms of compensation;

2. The qualifications of the persons involved in and associated with the agreement in accordance with the standards enumerated in section 86 of the Act, after which the Commission may make a finding as to the suitability of such persons to be involved or associated with the casino licensee or applicant;

3. Whether any enterprise involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a casino licensee or applicant, its employees or agents which requires casino service industry licensure pursuant to section 92 of the Act and N.J.A.C. 19:51-1.2 or 1.2A, in which case the Commission shall direct that a casino service industry license application be promptly filed by the enterprise; and

4. Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any casino service industry or to encourage or preserve competition in any casino service industry in accordance with N.J.S.A. 5:12-1b(12) and N.J.A.C. 19:51-1.6.

(b) If the Commission disapproves of an agreement governed by N.J.A.C. 19:43-10.2 or any person associated therewith, the Commission may by directive require the termination of such agreement or association or pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. If such disapproved agreement or association is not thereafter promptly terminated as required by Commission directive, the Commission may pursue any remedy or combination of remedies provided for in the Act or the regulations of the Commission. This subsection shall apply notwithstanding that the Commission has granted an exemption pursuant to N.J.S.A. 5:12-92c to any person involved in or associated with such agreement from the casino service industry license requirements set forth therein.

(c) Each agreement maintained or filed pursuant to N.J.A.C. 19:43-10.2 shall be deemed to include a provision for its termination without liability on the part of the casino licensee or applicant, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon such agreement, in the event that the Commission disapproves the agreement in accordance with (b) above.

Recodified from 19:41-11.2 and amended by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

19:43-10.4 Filing requirements: Notice of Intent to Conduct Enterprise Business, Vendor Registration Form, Junket Enterprise Registration Form

(a) Except as otherwise provided in (b) or (c) below or N.J.A.C. 19:43-10.5, each casino licensee or applicant shall

file with the Commission no later than 20 calendar days following the formal offer and acceptance of an agreement a completed Notice of Intent to Conduct Enterprise Business, as set forth in N.J.A.C. 19:41-5.11A, for any enterprise which does not appear on the Active Vendors Record maintained by the Commission pursuant to N.J.A.C. 19:43-10.1.

(b) Each casino licensee or applicant shall file with the Commission a complete VRF, as set forth in N.J.A.C. 19:41-5.11, for any enterprise with which it is conducting the following types of business, if the Active Vendors Record maintained pursuant to N.J.A.C. 19:43-10.1 does not indicate that a VRF has been filed for such enterprise by any casino licensee or applicant:

1. Within 20 calendar days from the date of the formal offer and acceptance of any of the following types of agreements:

i. Any agreement with a bus owner or operator for the transportation of passengers to a casino hotel in exchange for complimentary services or items for such passengers upon arrival;

ii. Any agreement for goods or services, if payments pursuant to the agreement are reasonably expected to total \$10,000 or more;

iii. Any agreement with an independent producer who will receive revenue from ticket sales for public entertainment held at a casino hotel which agreement does not provide for direct compensation to the casino licensee;

iv. Any lease relating to the premises of the casino hotel or related facility;

v. Any agreement which does not involve the direct exchange of compensation;

vi. Any agreement with a simulcast sending track; or

vii. Any agreement relating to the construction, maintenance, renovation, expansion or demolition of the casino hotel or related facility, whether or not the casino licensee or applicant is a party to such agreement; and

2. Within 20 calendar days from the end of the monthly financial reporting period for vendor transactions in which the casino licensee's or applicant's calendar year to date business with an enterprise totals \$10,000 or more.

(c) In addition to the agreements listed in (b) above, each casino licensee or applicant shall file with the Commission a complete VRF, as set forth in N.J.A.C. 19:41-5.11, for any enterprise where required pursuant to this subsection, whether or not the casino licensee or applicant is a party to such agreement. The Commission may, on its own initiative, or following a recommendation by the Division, upon a preliminary determination that the filing of a complete VRF

is necessary to protect the public interest and further the policies of the Act, notify a casino licensee or applicant and an enterprise that a complete VRF is required to be filed within 10 days. The casino licensee or applicant and/or enterprise may appear before the Commission to contest the VRF filing requirement upon so notifying the Commission prior to the expiration of the 10 day filing period. In the event that the filing requirement is contested the Commission will determine whether or not a complete VRF is necessary to protect the public interest and further the policies of the Act. A failure by the casino licensee or applicant and enterprise to contest the filing requirement within the 10 day period or to appear before the Commission shall be grounds for a determination by the Commission that the filing of a complete VRF is necessary to protect the public interest and further the policies of the Act.

(d) Each casino licensee or applicant shall, prior to the arrival at the casino hotel of a junket which involves one or more junket enterprises, file with the Commission a Junket Enterprise Registration Form (JERF) as set forth in N.J.A.C. 19:41-5.12 for each junket enterprise involved in such junket which does not appear on the Active Vendors Record maintained by the Commission pursuant to N.J.A.C. 19:43-10.1. This requirement shall apply regardless of whether such junket enterprise has had a Notice of Intent to Conduct Business or a VRF filed with the Commission on its behalf pursuant to (a), (b) or (c) above for an agreement unrelated to junkets.

(e) Notwithstanding (b), (c) and (d) above, an incomplete VRF or JERF shall be considered timely filed by the licensee or applicant in accordance with this section if:

1. The incomplete registration form is timely filed pursuant to (b), (c) or (d) above, as appropriate; and
2. A revised registration form, completed in accordance with deficiency notice provided by the Commission, is filed:
 - i. For a VRF, within 10 days of service of notice or by the end of the deadlines set forth in (b) above, whichever is later; or
 - ii. For a JERF, within 10 days of service of notice or prior to the arrival of the junket, whichever is later.

(f) Filings required by this section shall be directed to the Casino Control Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1.

(g) In the event that an enterprise which has previously had a Notice of Intent to Conduct Enterprise Business filed on its behalf fails to provide the information necessary to complete a VRF as required by this section, the casino licensee or applicant shall notify the Commission within the applicable filing deadlines established in (b)1ii and 2 above.

New Rule, R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).
Amended by R.1995 d.496, effective September 5, 1995.
See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).
Amended by R.1997 d.282, effective July 7, 1997.
See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).

Rewrote (b)1vii; inserted new (c); recodified former (c) through (f) as (d) through (g); and in (d) and (e), amended internal cites to include (d).

Amended by R.1999 d.417, effective December 6, 1999.

See: 31 N.J.R. 1917(a), 31 N.J.R. 4123(a).

In (b), deleted a former 2, and recodified former 3 as 2; and in (g), made an internal reference change.

19:43-10.5 Exemption from registration

(a) The Commission may, upon the written request of a casino licensee or applicant or on its own initiative, exempt a transaction from the filing requirements in N.J.A.C. 19:43-10.4 if the Commission determines that the filing of a Notice of Intent to Conduct Enterprise Business or a Vendor Registration Form (VRF) is not necessary to protect the public interest and further the policies set forth in sections 1(b)6, 1(b)9, 92 and 104 of the Act. In making such a determination the Commission shall consider, without limitation, the following:

1. The nature of the goods or services provided or the business transacted;
2. The nature of the enterprise providing the goods or services or transacting the business with the casino licensee or applicant; and
3. Whether such enterprise is otherwise regulated by the Act or Commission regulations.

(b) The following transactions shall be deemed exempt pursuant to (a) above unless the filing of a Notice of Intent to Conduct Enterprise Business or a VRF is otherwise directed by the Commission:

1. Contributions to non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
2. Direct payments to guests or guests and their representatives pursuant to a court order or stipulation of settlement or for settlement of guest losses or guest refunds;
3. Payments by the casino licensee or applicant for the following:
 - i. Payments for travel expenses incurred by an employee of the casino licensee or applicant in the conduct of the employer's business, which shall include the employee's lodging, meals, transportation and related expenses;
 - ii. Payments to prospective employees for reimbursement of travel expenses incurred as a result of the employment interview; and

iii. Payments for tuition, training seminars, publication subscriptions, conference registrations or membership dues for professional associations that will directly contribute to the work performance or professional development of the employee;

4. Payments received from an employee of the casino licensee or applicant for purchases of obsolete hotel property or supplies for personal use;

5. Payments to government agencies for goods or services provided under statutory or other legal mandate, or for taxes, assessments, fines, garnishments or licensing fees and payments to public utilities having legal service monopolies;

6. Payments to or from individuals or enterprises pursuant to compliance with state or Federal law;

7. Payments by a third party manufacturer for rebates to a casino licensee or applicant for prior purchase of goods or services from licensed or registered vendors;

8. Payments for freight charges to freight transporters selected by the vendor for delivering goods C.O.D. or freight collect;

9. Transactions with travel industry enterprises that purchase or order lodging, meals, or other accommodations at a prededucted or gross commission rate which does not exceed 10 percent of cost;

10. Payments to any person required to qualify pursuant to N.J.S.A. 5:12-84b, 85c or 85e, which are a result of agreements pertaining to such person's status as a financial source or qualifier;

11. Payments to labor organizations, unions and affiliates registered pursuant to N.J.S.A. 5:12-93 for employee dues and benefits programs; and

12. Payments for goods and services totaling \$1,000 or less made pursuant to a contract or purchase agreement not in excess of \$1,000 if the casino licensee or applicant reasonably and in good faith believes that no other goods or services will be provided to it by the same vendor.

New Rule. R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1999 d.417, effective December 6, 1999.

See: 31 N.J.R. 1917(a), 31 N.J.R. 4123(a).

In (a), substituted a reference to written requests for a reference to requests in the introductory paragraph; and in (b), rewrote 3i, inserted a reference to tuition in 3iii, deleted a former 10, recodified former 11 through 13 as 10 through 12, and substituted references to \$1000 for references to \$500 in the new 12.

19:43-10.6 Master Purchasing and Disbursement Report

(a) Each casino licensee or applicant shall generate a Master Purchasing and Disbursement Report in accordance with this section for all transactions subject to N.J.S.A. 5:12-104b. Such report shall be submitted to the Commission's Enterprise License Bureau at the address specified in

N.J.A.C. 19:40-3.1 on the 22nd calendar day of each month by 5:00 P.M., unless that day is a Saturday, Sunday, or a State or Federal holiday, in which case the report shall be provided by 5:00 P.M. on the first weekday thereafter that is not a State or Federal holiday, and shall include the following information for the period since the most recent report was filed:

1. A payee register listing alphabetically by payee all nonpayroll transactions drawn by the casino licensee or applicant and, at a minimum, the following information in tabular form next to the name of each payee:

- i. Vendor identification number or exempt code;
- ii. Amount of each individual disbursement;
- iii. Date of each individual disbursement;
- iv. Subtotal of the disbursements by payee; and
- v. The grand total of all disbursements made during the reporting periods;

2. A manual attachment listing any transaction subject to this section which is not included in the payee register in (a)1 above or the magnetic computer tape or the electronic data transmission in (a)6 below, including transactions with enterprises not yet assigned a vendor identification number, wire transfers, credits to vendors and transactions by a subsidiary, intermediary company, holding company or agent of the casino licensee or applicant for goods or services that benefit the casino licensee or applicant. All transactions appearing on the manual attachment shall include, at a minimum, the following information:

- i. Vendor name;
- ii. Vendor identification number (if assigned) or exempt code;
- iii. Date of disbursement or credit;
- iv. Amount of each disbursement or credit; and
- v. Subtotal of all disbursements or credits by vendor;

3. A vendee register listing alphabetically by vendee the full amount of all nonoperating transactions, including credits, in which the casino licensee or applicant was the vendor providing goods or services including, at a minimum, the following information in tabular form next to the name of the vendee:

- i. Vendor identification number or exempt code;
- ii. Date of each transaction;
- iii. Amount of each transaction;
- iv. Subtotal of all transactions; and
- v. A general description of the type of good or service provided;

4. A voided check register listing alphabetically by vendor previously reported transactions that were subsequently voided or require corrected information and at a minimum, the following information:

- i. Vendor name;
- ii. Vendor identification number or exempt code;
- iii. Date of original transaction; and
- iv. Amount of void;

5. A subcontractor register listing all payments not included in the payee register in (a)1 above made to maintenance and construction companies performing services on the existing or proposed casino hotel or related facility, regardless of whether such company is a general contractor, subcontractor, secondary subcontractor or otherwise, including, at a minimum, the following information:

- i. Name and vendor identification number of each maintenance or construction company listed directly under the maintenance or construction company from which it received payment;
- ii. Transaction dates;
- iii. Dollar amount of each payment; and
- iv. Monthly total dollar amount disbursed to each maintenance or construction company;

6. A magnetic computer tape or electronic data transmission listing all disbursements to enterprises appearing on the payee register in (a)1 above and appearing on the subcontractor register in (a)5 above, within specifications as required by the Commission; and

7. The signature of the casino licensee's or applicant's chief operating officer or his or her designee verifying the accuracy of the information contained therein.

New Rule, R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1999 d.417, effective December 6, 1999.

See: 31 N.J.R. 1917(a), 31 N.J.R. 4123(a).

In (a), inserted references to credits throughout, substituted a reference to the 22nd calendar day of each month for a reference to the Friday of the third full calendar week of each month, and inserted a reference to Saturdays and Sundays in the introductory paragraph; in (a)1, deleted a former iv, and recodified former v and vi as iv and v; in (a)2, inserted a reference to electronic data transmissions and inserted a reference to credits to vendors in the introductory paragraph, and added a reference to credits by vendors in v; in (a)3, inserted "the full amount of" following "vendee" in the introductory paragraph; in (a)4, deleted a former v; in (a)5, inserted "not included in the payee register in (a)1 above" following "payments" in the introductory paragraph; and rewrote (a)6.

19:43-10.7 Internal controls submission

(a) Each casino licensee or applicant shall, pursuant to N.J.S.A. 5:12-99, submit an original and two copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning compliance with the requirements of N.J.S.A. 5:12-92 and 104b. Unless otherwise directed by the Commission, a partial submission addressing, at a minimum, the procedures in (a)3iii and (a)4 below, shall be provided to the Commission at least 30 days prior to the commencement of construction activity at a proposed casino hotel facility or related facility. A complete submission addressing, at a minimum, the following, shall be provided to the Commission at least 30 days prior to the commencement of purchasing activities for the casino hotel facility or related facility:

1. Procedures for determining the status of enterprises on the Active Vendors Report to meet the requirements in N.J.A.C. 19:43-10.4;

2. Procedures for determining whether a casino licensee or applicant is prohibited pursuant to N.J.A.C. 19:43-10.1(c) from transacting business with an enterprise or individual;

3. Procedures for filing Notices of Intent to Conduct Enterprise Business, Vendor Registration Forms and Joint Enterprise Registration Forms, pursuant to N.J.A.C. 19:43-10.4 for the following:

i. Direct business transactions with enterprises. These procedures shall include an exempt code legend if the alpha or numeric codes that appear in the monthly Master Purchasing and Disbursement Report differ from those contained in N.J.A.C. 19:43-10.5(b);

ii. Purchases by a subsidiary, intermediary company, holding company, agent or commercial buyer for the benefit of the casino licensee or applicant;

iii. Business transactions with enterprises providing services related to the construction, renovation, expansion or demolition of the casino hotel facility or related facility, regardless of whether the casino licensee or applicant is a party to the agreement, including, without limitation, construction companies performing services for leaseholders located within the casino hotel facility or related facility; and

4. Procedures for providing financial reporting for (a)3ii and iii above in accordance with the requirements of N.J.A.C. 19:43-10.6(a)2 and 5, respectively.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the rules 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.

(c) Any proposed amendment to a previously approved vendor internal controls submission shall be submitted, unless otherwise directed by the Commission, no later than five days after any change in those procedures or controls takes effect. Such submission shall conform with the requirements set forth in (a) above.

(d) All submissions pursuant to this section shall be directed to the Casino Control Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Recodified from 19:43-10.1 and amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1998 d.17, effective January 5, 1998.

See: 29 N.J.R. 4081(a), 30 N.J.R. 117(a).

Rewrote (a) and (a)1 through (a)4; and deleted (a)5 through (a)7.

SUBCHAPTER 11. RENEWAL OF CASINO LICENSE

19:43-11.1 Renewal; time for filing

(a) The Commission may, upon the written petition of the casino licensee, renew a casino license in accordance with N.J.S.A. 5:12-88 provided that:

1. The casino licensee files a completed application for renewal of a casino license with the Commission no later than 90 days prior to the expiration of the current license; and

2. All license fees and taxes as required by law and the rules of the Commission are paid by the casino licensee on or before the date of expiration of the current license.

19:43-11.2 Contents of renewal application

(a) An application for the renewal of a casino license shall include, without limitation, the following, which shall be completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the application materials:

1. The Business Entity Disclosure (BED) Forms required by N.J.A.C. 19:43-5.3(a)1;

2. The Personal History Disclosure Forms required by N.J.A.C. 19:43-5.3(a)2, in accordance with the qualifier renewal procedures set forth in N.J.A.C. 19:43-2.7A;

3. Copies of all New Jersey Consolidated Corporation Business Tax Returns, in accordance with N.J.S.A. 5:12-148b;

4. The information required in N.J.A.C. 19:43-5.3(a)3 through 5;

5. Such information as may be requested by the Commission or the Division to demonstrate the applicant's good faith efforts to comply with the equal employment and business opportunity and affirmative action requirements of N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53 and any relevant conditions to the current casino license;

6. Such information as may be requested by the Commission or the Division to demonstrate compliance with all conditions, restrictions, limitations and covenants in the current casino license and certificate of operation;

7. The license renewal fee specified in N.J.A.C. 19:41-9.4; and

8. Any other information or documentation which the Commission or the Division may deem material to the qualification of the applicant, or of any person required to be licensed or qualified, pursuant to the Act and the rules of the Commission.

(b) The applicant shall file an original and three copies of each Personal History Disclosure Form required by (a) above, and an original and four copies of all other information required by (a) above, with the Commission in accordance with N.J.A.C. 19:40-3.5(b).

Administrative Correction.

See: 27 N.J.R. 382(a).

Amended by R.1999 d.416, effective December 6, 1999.

See: 31 N.J.R. 1585(a), 31 N.J.R. 4122(a).

In (a)4, changed N.J.A.C. reference.

19:43-11.3 Petitions for waiver

Upon the petition of the casino license applicant in accordance with N.J.A.C. 19:43-5.4, the Commission, with the concurrence of the Director, may waive compliance with the qualification requirements of N.J.S.A. 5:12-85d for an officer, director, lender, underwriter, agent, employee or security holder of a holding or intermediary company of a casino licensee pursuant to N.J.S.A. 5:12-85d(1), or for an institutional investor thereof pursuant to N.J.S.A. 5:12-85f.

Amended by R.2003 d.313, effective August 4, 2003.

See: 35 N.J.R. 1497(a), 35 N.J.R. 3564(a).

Deleted "publicly traded" following "security holder of a".

19:43-11.4 Prehearing conference; hearing

(a) All hearings and prehearing conferences concerning an application for renewal of a casino license shall be conducted in accordance with N.J.A.C. 19:42 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A party other than the applicant may on motion seek leave to intervene or to participate in a hearing regarding an application for a casino license in accordance with the standards and procedures set forth in N.J.A.C. 1:1-16.

SUBCHAPTER 12. INTERIM CASINO AUTHORIZATION (RESERVED)

SUBCHAPTER 13. CONSERVATORSHIP

19:43-13.1 Definitions

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 this subchapter as defined in that Act:

"Conservatorship action"

Amended by R.1994 d.31, effective January 18, 1994.
See: 25 N.J.R. 4866(a), 26 N.J.R. 486(a).

19:43-13.2 Institution of casino license conservatorship and appointment of conservators

(a) Notwithstanding any other provision of the Act, upon the revocation of a casino license or upon, in the discretion of the Commission, the suspension of a casino license or operation certificate for a period of in excess of 120 days or upon the failure or refusal to renew a casino license and notwithstanding the pendency of any appeal therefrom, the Commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the licensee relating to the casino and the approved hotel.

(b) Notwithstanding any other provision of the Act, upon, in the discretion of the Commission, the expiration of a temporary casino permit, except in those circumstances where a casino license has been issued or a casino license has not been issued because of the inaction of the Commission or upon the revocation of a temporary casino permit or upon, in the discretion of the Commission, the suspension of a temporary casino permit or operation certificate for a period of in excess of 60 days or upon the denial of a casino license to a temporary casino permittee and notwithstanding the pendency of an appeal therefrom, the Commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the temporary casino permittee relating to the casino and the approved hotel.

(c) Notwithstanding the foregoing, no conservator shall be constituted and appointed in any instance in which the casino hotel facility for which the casino license or temporary casino permit has been issued has not been, in fact, in operation and open to the public.

(d) The Commission may proceed in a conservatorship action in a summary manner or otherwise and shall have the power to appoint and remove one or more conservators.

19:43-13.3 Qualification of conservator

(a) No person shall be appointed as a conservator unless the Commission is satisfied that he is individually qualified according to the standard applicable to casino key employees, except that casino experience shall not be necessary for qualification.

(b) The Division shall investigate and report to the Commission with regard to the qualifications of each person who is proposed as a candidate to serve as a conservator.

19:43-13.4 Bonding of conservators

Every conservator shall, before assuming his duties, execute and file a bond for the faithful performance of his duties payable to the Commission in the office of the Commission with such surety or sureties and in such form as the Commission shall approve and in such amount as the Commission shall prescribe.

19:43-13.5 Powers of multiple conservators

When more than one conservator is appointed, the provisions of this subchapter applicable to one conservator shall be applicable to all and the debts and property of the former or suspended licensee or permittee may be collected and received by any of them and the powers and rights conferred upon them shall be exercised by a majority of them.

19:43-13.6 Powers and jurisdiction of the Commission

(a) At the time of the commencement of a conservatorship action, or at any time thereafter, the Commission shall have the power to enjoin the former or suspended licensee or permittee from exercising any of its privileges and franchises, from collecting or receiving any debts and from paying out, selling, assigning or transferring any of its property to other than a conservator, except as the Commission may otherwise order.

(b) A conservator shall at all times be subject to the Act and such regulations, limitations, restrictions, terms and conditions as the Commission may from time to time prescribe.

(c) The Commission shall have such further powers as shall be appropriate for the fulfillment of the purposes of the Act.

19:43-13.7 Effect of the conservatorship on licensed casino operation

Except as may be otherwise provided in the Act, during the period of conservatorship the casino operation in the form of the conservatorship shall be deemed a licensed casino operation and any reference in the Act or regulations to any obligations or responsibilities incumbent upon a casino licensee or those persons dealing with, affiliated with, having an interest in, employed by a casino licensee shall be deemed to apply to said casino operation.