

CHAPTER 42**HEARINGS****Authority**

N.J.S.A. 5:12-63a through d, 63h, 64, 65, 66, 69a, 70d and e, 71, 80, 86, 89, 90, 91, 92, 94, 95, 102, 107, 108, 109 and 129; and N.J.S.A. 52:14B-4, 8 and 12.

Source and Effective Date

R.2005 d.352, effective September 22, 2005.
See: 37 N.J.R. 2157(a), 37 N.J.R. 4039(a).

Chapter Expiration Date

Chapter 42, Hearings, expires on September 22, 2010.

Chapter Historical Note

Chapter 42, Hearings, was adopted as R.1978 d.159, effective May 17, 1978. See: 10 N.J.R. 177(b), 10 N.J.R. 266(b).

Pursuant to Executive Order No. 66(1978), Chapter 42, Hearings, was readopted as R.1983 d.180, effective May 17, 1983. See: 15 N.J.R. 534(a), 15 N.J.R. 931(c).

Pursuant to Executive Order No. 66(1978), Chapter 42, Hearings, was readopted as R.1988 d.256, effective May 12, 1988. See: 20 N.J.R. 764(a), 20 N.J.R. 1209(b).

Subchapter 10, Administrative Review of Unpaid Fees and Civil Penalties, was adopted as R.1992 d.35, effective January 21, 1992. See: 23 N.J.R. 3249(a), 24 N.J.R. 298(a).

Pursuant to Executive Order No. 66(1978), Chapter 42, Hearings, was readopted as R.1993 d.222, effective April 26, 1993. See: 25 N.J.R. 1082(a), 25 N.J.R. 1999(b).

Pursuant to Executive Order No. 66(1978), Chapter 42, Hearings, was readopted as R.1995 d.495, effective August 14, 1995, and Subchapter 3, Rules Concerning Applications Hearings, was repealed and Subchapter 3, Emergency Relief, was adopted as new rules, Subchapter 5, Rules Concerning Proceedings Against Applicants, Licensees and Registrants, and Subchapter 9, Declaratory Rulings, were repealed, and Subchapters 6, Hearings on Complaints Against the Division, Subchapter 7, Investigative Hearings, Subchapter 8, Hearings on Regulations, and Subchapter 10, Administrative Review of Unpaid Fees and Civil Penalties, were recodified as Subchapter 5, Hearings on Complaints Against the Division, Subchapter 6, Investigative Hearings, Subchapter 7, Hearings on Regulations, and Subchapter 8, Administrative Review of Unpaid Fees and Civil Penalties, 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 42, Hearings, was readopted as R.2000 d.367, effective August 11, 2000. See: 32 N.J.R. 2217(a), 32 N.J.R. 3331(b).

Chapter 42, Hearings, was readopted by R.2005 d.352, effective September 22, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**19:42-1.1 Definitions**

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

“Exclusion list” is defined at N.J.A.C. 19:48-1.1

“Letter Report” means a written report from the Division of Gaming Enforcement setting forth its position on an initial or renewal license application.

“OAL” means the Office of Administrative Law.

"Party" means any person or entity directly involved in a contested case, including petitioner, respondent, intervenor, or State agency proceeding in any such capacity.

"UAPR" means the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.1994 d.31, effective January 18, 1994.
See: 25 N.J.R. 4866(a), 26 N.J.R. 486(a).
Amended by R.1995 d.495, effective September 5, 1995.
See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).

19:42-1.2 Applicability of rules

(a) In addition to the UAPR, the provisions of the Casino Control Act and the rules in this chapter shall apply to the appropriate contested case hearing initiated pursuant to the Casino Control Act.

(b) To the extent that the act and the rules in this chapter are inconsistent with the UAPR, the former shall apply.

19:42-1.3 Right to a hearing

(a) The Commission shall not deny, refuse to renew or revoke any license or registration or place a candidate on the exclusion list unless it has first afforded the licensee, registrant or candidate for exclusion an opportunity for a hearing in accordance with law and the rules of the Commission.

(b) When the Commission has authority under the Act or the rules of the Commission to suspend a license or registration without first holding a hearing, it shall promptly upon exercising such authority afford the licensee or registrant an opportunity for a hearing in accordance with law and the rules of the Commission.

(c) This section shall not apply where:

1. The Act provides that the Commission is not required to grant a hearing in regard to the refusal to renew a license or registration; or

2. The Commission is required by law to refuse to renew a license or registration without exercising any discretion in the matter on the basis of a judgment of a court of competent jurisdiction.

Amended by R.1995 d.495, effective September 5, 1995.
See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).

SUBCHAPTER 2. CONDUCT OF CONTESTED CASES

19:42-2.1 Commencement of a contested case

(a) A contested case shall be commenced at the direction of the Commission or by the filing of one of the following by the Division:

1. A letter report recommending that an application for initial or renewal licensure, registration or qualification should not be granted;

2. A written complaint, which sets forth in ordinary and concise language the charges against a licensee, registrant or applicant and the acts or omissions supporting such charges;

3. A written petition to place a candidate on the exclusion list, which sets forth in ordinary and concise language the grounds for exclusion; or

4. A written complaint seeking forfeiture of winnings or things of value obtained in a gaming transaction by a prohibited person as defined in N.J.A.C. 19:48-3.1.

(b) A filed letter report recommending that an application be granted, or taking no position on an application, will not commence a contested case unless otherwise directed by the Commission.

New Rule, R.1995 d.495, effective September 5, 1995.
See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).
Amended by R.2009 d.310, effective October 19, 2009.
See: 41 N.J.R. 2640(a), 41 N.J.R. 3960(b).

In (a)2, inserted a comma following "complaint" and deleted "or" at the end; in (a)3, substituted "; or" for a period at the end; and added (a)4.

19:42-2.2 Notice of right to hearing

(a) When the Commission has been provided with all information necessary for action upon a contested application, complaint or petition for exclusion, the Commission shall serve upon the applicant or respondent a copy of the pleading and a written notice of the right to a hearing and the responsibility to request a hearing, as follows:

1. Complaints shall be served upon a licensee, applicant or registrant either personally or by certified mail;

2. Letter reports regarding a contested application shall be served upon an applicant by ordinary mail;

3. Petitions for exclusion shall be served on the candidate for exclusion personally, by certified mail at the last known address of the candidate for exclusion or by publication daily for one week in a newspaper of general circulation in Atlantic City, New Jersey; and

4. A forfeiture complaint shall be served upon the prohibited person, as defined in N.J.A.C. 19:48-3.1, either personally or by regular mail at the mailing address provided by the prohibited person pursuant to N.J.A.C. 19:48-3.2(b).

New Rule, R.1995 d.495, effective September 5, 1995.
See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).
Amended by R.2009 d.310, effective October 19, 2009.
See: 41 N.J.R. 2640(a), 41 N.J.R. 3960(b).

In (a)2, deleted "and" at the end; in (a)3, substituted "; and" for a period at the end; and added (a)4.

3. The casino licensee shall submit the following to the Commission and the Division, on a monthly basis:

- i. A report of its compliance with the construction schedule and budget submitted pursuant to (b)5 and (b)8 above; and
- ii. A report of the status of each application for governmental or regulatory approval, until such time as all required approvals are obtained;

4. On or before two years from the date of commencement of gaming operations:

- i. Construction of the hotel addition shall be completed;
- ii. All necessary furniture, fixtures and equipment shall be installed; and
- iii. The proposed additional QSU's are offered as available for the regular lodging of guests; and

5. Any other condition which the Commission deems necessary and appropriate has been satisfied.

(f) The standards of (c) and (d) above shall not be construed to limit the authority of the Commission to determine the suitability of facilities as provided in the Act.

Repeal and New Rule, R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Policy requiring superior quality and favoring completely newly constructed convention hotel complexes".

19:43-6.5 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Minimum standards for reconstruction of existing buildings and facilities".

19:43-6.6 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Declaratory rules as to reconstructed facilities".

19:43-6.7 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Duty to maintain and operate a superior quality facility".

19:43-6.8 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Periodic reports of facility data".

19:43-6.9 (Reserved)

Repealed by R.1994 d.342, effective July 5, 1994.
See: 26 N.J.R. 1206(a), 26 N.J.R. 2801(a).

Section was "Traffic flow around the casino hotel facility".

SUBCHAPTER 7. OPERATION CERTIFICATE

19:43-7.1 Operation certificate; standards for issuance

(a) Except for the test period pursuant to N.J.A.C. 19:43-7.2, each casino licensee responsible for the operation of a casino and a related casino simulcasting facility, if any, shall obtain an operation certificate prior to opening such casino or casino simulcasting facility to the public, and prior to conducting:

1. Gaming in such casino; or
2. Simulcast wagering or any gaming permitted in such casino simulcasting facility.

(b) To obtain an operation certificate, each casino licensee shall establish to the satisfaction of the Commission that:

1. The casino and, if applicable, the casino simulcasting facility comply in all respects with the applicable requirements of the Act and the rules of the Commission;
2. The casino licensee has implemented necessary management controls and security precautions for the efficient operation of the casino and any applicable casino simulcasting facility;
3. The casino and simulcasting personnel are licensed for the performance of their respective responsibilities; and
4. The casino and casino simulcasting facility are prepared in all respects to receive and entertain the public.

(c) Each operation certificate granted by the Commission to a casino licensee shall include, at a minimum, the following information:

1. A list itemizing the authorized games, by category and number, that are permitted in the casino and, if applicable, the casino simulcasting facility; and
2. A list of those areas, not otherwise enumerated explicitly in N.J.S.A. 5:12-43.1 or elsewhere in the rules of the Commission, which the Commission has specifically designated as a restricted area.

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

19:43-7.2 Operation certificate; test period

(a) Prior to the issuance of an operation certificate for its casino and casino simulcasting facility, if any, each casino licensee shall successfully complete an evaluation or test period in accordance with such terms and conditions as are reasonably calculated to allow the Commission to assess the licensee's entitlement to the issuance of such certificate.

(b) The evaluation or test period shall commence on such date and at such time as the Commission shall establish, and shall continue thereafter until further order of the Commission.

(c) Whenever the Commission delegates to one or more of its members the authority to evaluate a casino licensee's successful completion of a test period, the member or members, acting jointly, shall be authorized to do any of the following unless the full Commission has otherwise reserved that authority to itself:

1. Establish the original length of time and the hours during which such test shall be conducted;

2. Terminate, restrict, limit, extend or otherwise modify such test period or the hours thereof;

3. Upon determining that the casino licensee has successfully completed the test period, establish the effective date of the operation certificate and the scope of the casino licensee's authority to conduct gaming and, if applicable, simulcast wagering thereunder; and

4. Order the casino licensee to take whatever actions are necessary to preserve the policies of the Act and to assure an effective evaluation of the casino licensee during such test period including, among other things, permitting, limiting, restricting or prohibiting the casino licensee from:

i. Accepting coin at the slot machines or currency at the table games during all or any part of such period; and

ii. Allowing the count rooms to process cash.

19:43-7.3 Operation certificate; floor plans of the casino floor, casino simulcasting facility and any restricted areas

(a) Prior to the issuance or amendment of an operation certificate and the commencement of gaming or simulcast wagering, each casino licensee shall obtain Commission approval for the floor plans of its casino floor, casino simulcasting facility, if any, public keno areas which include keno booths or satellite keno booths, and any restricted areas.

(b) Each floor plan required by (a) above shall be filed with the Commission and served on the Division, shall be drawn to one-eighth inch scale or such other scale approved by the Commission, shall be certified by an architect licensed to practice in New Jersey and shall depict, at a minimum, the location of the following:

1. The casino floor, any casino simulcasting facility, any public keno area which includes a keno booth or satellite keno booth, including, at a minimum, the proposed total square footage thereof and a clear delineation of the respective perimeter of each:

2. Each gaming pit, noting its pit location number;

3. Each table game, noting its pit and table game location number;

4. Each CCTV camera, noting its type and camera number;

5. Each slot booth, noting its booth number;

6. Each cashier's cage and its component offices and areas;

7. Each separate master coin bank;

8. Each window at the cashiers' cage, noting its window number;

9. Each count room;

10. Each slot zone, noting its slot zone location letter or number and the total number of authorized slot machine locations within that slot zone;

11. Each authorized slot machine location, which location shall contain no more than one slot machine and bill changer at a time, noting its slot machine location number and any slot zone location letter or number;

12. Each slot stool authorized for use, noting its stool number, if any;

13. Each automated coupon redemption machine, noting its location number;

14. Each automated jackpot payout machine, noting its location number;

15. Each gaming voucher redemption machine, noting its location number;

16. Each satellite cage and its component offices and areas;

17. Each coin vault;

18. Each area approved for the storage of gaming chips or plaques pursuant to N.J.A.C. 19:46-1.6;

19. Each room or area approved for the storage of dice or playing cards;

20. Each other room or area that is accessible directly from the casino floor;

21. Each keno booth and satellite keno booth;

22. For those establishments with a casino simulcasting facility:

i. Each simulcast counter and any ancillary simulcast counter, along with their component offices, areas and equipment required by N.J.A.C. 19:45-1.14A(b) or (d);

ii. Each credit voucher machine, noting its location number; and

iii. Each self-service pari-mutuel machine, noting its location number; and

23. Each other area or room designated by the Commission.

(c) Each casino licensee, after obtaining Commission approval of its floor plan, shall not commence gaming or simulcast wagering in the areas depicted on the floor plan until a copy thereof has been delivered to each of the following:

1. The Commission's inspection booth in the establishment;
2. The office of the Commission's principal inspector in the establishment;
3. The Operations Unit of the Commission's Division of Compliance;
4. The Division;
5. The casino licensee's security podium; and
6. The casino licensee's monitoring rooms required by N.J.A.C. 19:45-1.10.

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

Amended by R.1997 d.132, effective March 17, 1997.

See: 28 N.J.R. 5160(a), 29 N.J.R. 923(a).

In (b)16, amended N.J.A.C. reference.

Amended by R.1998 d.164, effective April 6, 1998.

See: 29 N.J.R. 2632(a), 30 N.J.R. 1304(a).

In (a), inserted a reference to public keno areas which include keno booths or satellite booths; in (b), inserted a reference to public keno areas which include keno booths or satellite booths in 1, inserted a new 19, and recodified former 19 and 20 as 20 and 21.

Amended by R.2007 d.117, effective April 16, 2007.

See: 38 N.J.R. 4669(a), 39 N.J.R. 1505(a).

Added new (b)14 and (b)15; and recodified former (b)14 through (b)21 as (b)16 through (b)23.

19:43-7.4 Operation certificates; master lists of approved slot machines and table games; movement of gaming equipment; amendments of operation certificates upon filing of updated master lists

(a) Prior to the issuance of an operation certificate and the commencement of gaming or simulcast wagering, each casino licensee shall file with the Commission, at the office of the Commission's principal inspector in the establishment, and serve on the Division, at a location it has designated for that purpose, comprehensive lists of:

1. The table games in its casino and casino simulcasting facility, if any (the Table Games Master List); and
2. The slot machines and bill changers on its casino floor (the Slot Machine Master List);
3. The slot machines possessed by the casino licensee in restricted casino areas off the casino floor but on the premises of its casino hotel facility; and
4. The slot machines possessed by the casino licensee at locations in New Jersey off the premises of its casino hotel facility.

(b) At a minimum, each list of slot machines required by (a)2 through 4 above shall contain the following information,

as applicable, which information shall be presented, for each slot machine and any accompanying bill changer on the Slot Machine Master List, in consecutive order by location number:

1. The date on which the list was prepared;
2. A description of each slot machine by:
 - i. Asset, model and serial number;
 - ii. Computer program number;
 - iii. Denomination;
 - iv. Manufacturer and machine type, noting with particularity whether the machine is a high-boy, has a bill changer attached, is a progressive slot machine, or is equipped with tokenization;
 - v. Whether the slot machine has an activated electronic transfer credit feature; and
 - vi. Whether the slot machine has an activated gaming voucher feature, and if so, whether such feature is in lieu of a hopper and either a slot drop bucket or slot drop box;
3. A cross reference for each slot machine by zone and serial number;
4. The restricted casino area within the casino hotel facility where the slot machine is located for each slot machine included on the list required by (a)3 above;
5. The address of the slot machine storage facility where the slot machine is located for each slot machine included on the list required by (a)4 above; and
6. Such other information as the Commission may require.

(c) At a minimum, each Table Game Master List shall contain the following information:

1. The date on which the list was prepared;
2. A description of each table by:
 - i. Type of authorized game;
 - ii. Location number; and
 - iii. Serial and table number; and
3. Such other information as the Commission may require.

(d) Whenever a casino licensee proposes that gaming tables, slot machines or bill changers be brought into, removed from or moved within a casino or casino simulcasting facility, as applicable, the casino licensee shall first:

1. Obtain any amendment to its operation certificate required by N.J.A.C. 19:43-7.6 or 7.7; and

2. Provide an authorized agent of the Commission with written notice at least 24 hours prior to the actual movement of each gaming table, slot machine and bill changer.

(e) Immediately after each gaming table, slot machine and bill changer is brought into, removed from or moved within a casino or casino simulcasting facility, as applicable, the casino licensee completing the move shall file and serve, in accordance with (a) above, updated master lists of its table games and slot machines to the extent that the move causes a change in the information contained on the most recent version of the applicable list on file with the Commission. In addition, each casino licensee shall, on a monthly basis, file updated lists of slot machines required pursuant to (a)2 through 4 above with the Division.

(f) The number of each type of authorized game included in the casino licensee's operation certificate or any approved amendments thereto shall be amended, upon the filing of an updated Table Games Master List or Slot Machine Master List, to conform to the correct number of each type of authorized game that is specified in the applicable list.

Amended by R.1996 d.122, effective March 4, 1996.
See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).
Amended by R.2002 d.130, effective May 6, 2002.
See: 33 N.J.R. 3722(a), 34 N.J.R. 1734(b).

In (a), substituted "on" for "in" and inserted "floor" following "casino" in 2 and added 3 and 4; in (b), rewrote the introductory paragraph, added a new 5 and 6 and recodified former 5 as 7; in (e), added the last sentence.

Amended by R.2002 d.173, effective June 3, 2002.
See: 34 N.J.R. 654(a), 34 N.J.R. 1923(a).

In (b), deleted former 3 and recodified existing 4 through 7 as 3 through 6.

Amended by R.2003 d.4, effective January 6, 2003.
See: 34 N.J.R. 2012(a), 35 N.J.R. 259(a).

In (b)2, added v, vi.
Amended by R.2003 d.161, effective April 21, 2003.
See: 35 N.J.R. 88(a), 35 N.J.R. 1689(b).

In (b)2iv, added "; or is equipped with tokenization;" at the end.

19:43-7.5 Operation certificate; effective date; duration

(a) Upon the successful completion of the test period, the Commission shall establish the effective date of each operation certificate and the scope of the casino licensee's authority to conduct gaming and, if applicable, simulcast wagering thereunder.

(b) Subject to the Commission's authority to revoke, suspend, limit or otherwise alter an operation certificate in accordance with the terms of the Act and the rules of the Commission, each such certificate, once issued, shall remain in full force and effect indefinitely under such terms and conditions as the Commission may impose, and shall not be altered, modified or amended except in accordance with the Act and the rules of the Commission.

(c) The continued effectiveness of each operation certificate shall be a prerequisite for the casino or casino simulcasting facility to which it applies to remain open to the public for the conduct of gaming or simulcast wagering.

(d) Each casino licensee to which an operation certificate is issued shall operate its casino or casino simulcasting facility strictly in accordance with the terms of its original operation certificate and the approved floor plans submitted in support thereof, and shall not change any of the items to which the operation certificate applies except in accordance with the Act and the rules of the Commission and after obtaining any required amendments to its operation certificate.

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

19:43-7.6 Operation certificate; amendment to conform to approved changes

(a) Each casino licensee shall file with the Commission and serve on the Division, in a manner and in a format prescribed by the Commission, an application to amend its operation certificate whenever the casino licensee proposes to make an application to conduct keno in a public keno area in accordance with N.J.A.C. 19:45-1.47B or a physical change to the casino, casino simulcasting facility or a restricted area that requires Commission approval in order for its original operation certificate or any approved amendments thereto to continue in force and effect. Any amendment to the application shall be processed in accordance with this section. The application shall include, without limitation, the following:

1. A description of any proposed changes in any public keno area or in the number of authorized games, by category, to be played in the casino or casino simulcasting facility; provided, however, that the filing of an application pursuant to this section shall not preclude that casino licensee from obtaining amendments to its operation certificate pursuant to N.J.A.C. 19:43-7.4(f);

2. A revised floor plan of the casino, casino simulcasting facility, any public keno area which includes a keno booth or satellite keno booth or restricted area reflecting the proposed change, which revised floor plan shall be:

i. Filed with the Commission at the office of its principal inspector in the establishment; and

ii. Submitted in a format consistent with the requirements of N.J.A.C. 19:43-7.3;

3. If applicable, a comparison showing the authorized square footage of the casino room or casino simulcasting facility:

i. Immediately prior to initiating the proposed change; and

ii. That will result if the proposed change is made;

4. A clear delineation of any proposed change to the perimeter of the casino room or, if applicable, the casino simulcasting facility; and

5. A narrative from the architect who is certifying the floor plan that clearly describes the change to be made by the proposal, noting with particularity any such change to

the perimeter of the casino floor or of the casino simulcasting facility.

(b) Within three business days of a casino licensee filing an application governed by (a) above, or any amendments thereto, the Commission shall review the proposed change set forth in the application or any amendments thereto for compliance with the Act and the rules of the Commission. Unless

the Commission notifies the casino licensee in writing that the proposed change is disapproved, the casino licensee, after obtaining all approvals required by federal, state or local government officials and providing a copy or other acceptable written evidence of such approvals to the Commission, may begin implementing such change upon the earlier of the following:

1. The expiration of the three-day period; or
2. Receipt of written Commission approval for the change.

(c) The casino licensee that submitted an application governed by (a) above shall notify the Commission in writing upon final completion of any proposed change set forth in the application or any amendment thereto and for which the casino licensee is prepared to seek approval pursuant to (d) below; provided, however, that a notice shall be filed upon final completion of all proposed changes. A floor plan that depicts the actual changes made shall accompany the notice and be filed in the manner prescribed by N.J.A.C. 19:43-7.3(c). Each such floor plan shall be in a format consistent with N.J.A.C. 19:43-7.3 and, in addition to depicting the change that is made to the applicable items enumerated in N.J.A.C. 19:43-7.3(b), shall include updates, based on the actual changes made, for each item required to be included in the application pursuant to (a) above and described in the notice; provided, however, that a floor plan of the entire casino or casino simulcasting facility that depicts all changes proposed in the application and any amendment thereto shall accompany the notice of final completion.

(d) Promptly after the filing of a notice pursuant to (c) above, the Commission shall inspect the physical changes actually made to the casino, casino simulcasting facility and any restricted area to ensure that those changes conform to the floor plan accompanying the notice and the description previously submitted to the Commission, as modified by any properly filed amendments thereto. Following such inspection, the Commission shall notify the casino licensee in writing as to which physical change is approved and which is rejected, whereupon:

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).

Amended by R.1998 d.164, effective April 6, 1998.

See: 29 N.J.R. 2632(a), 30 N.J.R. 1304(a).

In (a), inserted a reference to applications to conduct keno in public areas in the introductory paragraph, inserted a reference to public keno areas in 1, and inserted a reference to public keno areas which include keno booths or satellite booths in the introduction of 2.

19:43-7.7 Operation certificate; temporary amendments for pit and slot zone reconfigurations or reconstitutions

(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 and slot zones 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 or slot zones by filing with the Commission, at the office of its principal inspector in the establishment, an application for a temporary operation certificate to permit a reconfiguration for each pit or slot zone specified in the application, which shall be filed at least three business days prior to implementing such alternate configuration. In addition, pursuant to the above application procedure, each casino licensee may also temporarily reconstitute one or more pits as a slot zone(s) or one or more slot zones or a portion thereof as a pit. Within that three-day period, the Commission shall notify the casino licensees whether the reconfiguration or reconstitution 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 reconfiguration or reconstitution for a period of no more than 120 consecutive days. Notwithstanding the foregoing, the Commission may approve the implementation of a reconfiguration of a pit in conjunction with the test of a new table game or table game wager pursuant to N.J.A.C. 19:47-8.4 for a period up to 270 days from the day such test commences. Each such reconfigured 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 or slot zones 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).
Amended by R.2004 d.383, effective October 4, 2004.
See: 36 N.J.R. 3001(a), 36 N.J.R. 4488(b).

In (c), rewrote the introductory paragraph.
Amended by R.2005 d.353, effective October 17, 2005.
See: 37 N.J.R. 2158(a), 37 N.J.R. 4039(b).

In rule heading, deleted "alternate" and "configurations" and added "and slot zone reconfigurations or reconstitutions"; added "and slot zones" in (a); rewrote (b) and introductory paragraph of (c); added "or slot zones" in (d).

Amended by R.2010 d.097, effective June 21, 2010.
See: 41 N.J.R. 4429(a), 42 N.J.R. 1249(a).

In the introductory paragraph of (c), substituted "120" for "60".

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

(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).
Amended by R.1999 d.72, effective March 1, 1999.
See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).
In (b), deleted a former 6.

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.

19:43-8.2 Governing documents

(a) Each casino licensee or applicant or holding company thereof shall file with the Commission and Division copies of any amendments to, restatements of, or superseding versions of the governing documents of the business entity, within seven days of their formal adoption.

(b) The governing documents described in (a) above include, but are not limited to:

1. If a corporation:
 - i. Articles of incorporation;
 - ii. Charter; and
 - iii. By-laws.
2. If a partnership:
 - i. Partnership agreements; and
 - ii. Certificates of limited partnership, if applicable.
3. If a limited liability company:
 - i. Certificates of formation, amendment, and cancellation; and
 - ii. Operating agreements.

New Rule, R.2002 d.283, effective September 3, 2002.
See: 34 N.J.R. 1371(a), 34 N.J.R. 3127(a).

19:43-8.3 Profit sharing agreements

(a) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing shall be lawful if the agreement is in writing and filed with the Commission prior to its effective date. A casino licensee shall simultaneously send to the Division of Gaming Enforcement a copy of any profit sharing agreement filed with the Commission in accordance with N.J.S.A. 5:12-104a(3).