

3. Nothing in this section shall prohibit a former employee of the Commission or a former employee or agent of the Division from soliciting or accepting employment with, or acquiring an interest in, any person who is licensed as a casino service industry enterprise pursuant to subsection 92c of the Act or is an applicant for such licensure.

(c) At the end of two years from termination of employment, and for a period of two years thereafter, any person who held a policy-making management position with the Commission or Division at any time during the five years prior to termination of employment shall not:

1. Solicit employment with an applicant, licensee or registrant unless he or she has provided prior written notice of an intent to solicit such employment to the Commission's General Counsel; or

2. Accept or commence employment with, or acquire an interest in, an applicant, licensee or registrant except upon application to and the approval of the Commission pursuant to (d) below for that particular employment or interest.

(d) A petition for waiver pursuant to (b)2 or (c) above shall be in writing and shall identify the following:

1. The applicant, licensee or registrant that has made an offer of employment, or in which the petitioner will acquire an interest;

2. The position to be held and the specific nature of the duties to be performed for the applicant, licensee or registrant, or the nature of the interest to be acquired; and

3. Any positions held and the specific nature of the duties performed while employed by the Commission or Division.

(e) The Commission may grant a waiver upon a finding that the acceptance of the employment or the acquisition of the interest identified in the petition will not create the appearance of a conflict of interest or evidence a conflict of interest in fact.

(f) The Commission's General Counsel shall review each petition for waiver and supporting documentation and shall make a recommendation to the Commission, with copies to the Division and the petitioner, within 10 days of the receipt of a completed petition.

(g) Any waiver granted pursuant to (e) above shall apply only to the applicant, licensee or registrant and the position or interest identified in the petition for waiver. No person subject to post-employment restriction pursuant to (b)2 or (c) above shall accept or commence employment in any other position or with any other applicant, licensee or registrant, or acquire any other interest that is otherwise

prohibited unless a waiver has been granted by the Commission for such employment or interest.

New Rule, R.1993 d.291, effective June 21, 1993.  
See: 25 N.J.R. 1501(a), 25 N.J.R. 2702(a).  
Amended by R.1995 d.388, effective July 17, 1995.  
See: 27 N.J.R. 1965(a), 27 N.J.R. 2703(c).

## SUBCHAPTER 3. INFORMATION AND FILINGS

### 19:40-3.1 Offices; hours

(a) The main offices of the Commission, including the offices of the Commissioners, the General Counsel and the Division of Licensing are located at:

Arcade Building  
Tennessee Avenue and the Boardwalk  
Atlantic City, N.J. 08401

(b) The Division of Financial Evaluation, the Division of Administration and the Division of Compliance are located at:

Citicenter Building  
1300 Atlantic Avenue  
Atlantic City, N.J. 08401

(c) The offices of the Commission are open for the filing of papers and for other business (except for public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are closed on legal holidays.

(d) The offices of the Division of Gaming Enforcement are located at:

1. 140 East Front Street  
CN 047  
Trenton, NJ 08625; and
2. 1601 Atlantic Avenue  
CN 047  
Atlantic City, NJ 08401

Administrative Change.  
See: 23 N.J.R. 3655(a).  
Amended by R.1996 d.72, effective February 5, 1996.  
See: 27 N.J.R. 3920(a), 28 N.J.R. 901(b).

### 19:40-3.2 Official records; fees for copies

(a) No original official record of the Commission shall be released from the custody of the Commission except upon express direction of the Chair or the Executive Secretary, or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in N.J.A.C. 19:40-3.1 upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or the Division or from other sources, information of any kind which is not made available by proper authority.

(d) No application, petition, notice, report, document or other paper will be accepted for filing by the Chair and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.

(e) Any person may subscribe to the Commission's meeting notices, minutes, or notices of rule-making by written request accompanied by a check or money order in accordance with the subscription rates established by the Commission. All subscriptions shall be on a calendar year basis only, and rates for subscriptions commencing during a calendar year will be prorated accordingly. At the discretion of the Commission, no payment may be required when the request is made by the governor of the State of New Jersey or by a member of the Legislature or by any newspaper, television station or radio station regularly serving New Jersey.

(f) Copies of official records of the Commission which are required by law to be made available for public inspection shall be made available according to the following fee schedule:

1. First page to 10th page: \$.75 per page;
2. Eleventh page to 20th page: \$.50 per page;
3. All pages over 20: \$.25 per page;

(g) All checks for payment of fees, deposits and charges shall be made payable to the order of the "Casino Control Fund" and delivered or mailed to the main office of the Commission.

Amended by R.1996 d.158, effective March 18, 1996.  
See: 28 N.J.R. 74(a), 28 N.J.R. 1558(b).

### 19:40-3.3 Communications; notices

(a) Except as otherwise provided by the rules of the Commission, all papers, process or correspondence relating to the Commission should be addressed to or served upon the New Jersey Casino Control Commission at the Commission's main office. All papers, process or correspondence relating to the Division should be addressed to or served upon the Division of Gaming Enforcement at the Division's main office.

(b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission or the Division as the case may be, but a Commissioner or such individual members of the Commission's staff as the Chair may designate, or the Director or such individual staff members of the Division's staff as the Director may designate, may in his or her discretion receive papers or correspondence or accept service of process.

(c) Except as otherwise specifically provided by law or Commission regulations, notices and other communications from the Commission or Division will be sent to an applicant, licensee or registrant by either ordinary mail or certified mail to the address shown in the most recent application or change of address notice received from such person; or, in the case of a casino licensee, by depositing such notices and other communications in the appropriate mail slot designated for each casino licensee in the Commission mailroom. Such notices and communications will be available for pickup by casino licensees from 9:00 A.M. to 5:00 P.M. in the Commission mailroom located at:

Arcade Building, 1st Floor  
Tennessee Avenue and Boardwalk  
Atlantic City, New Jersey 08401

(d) Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, or upon their deposit in the Commission mailroom in the designated mail slot for each casino licensee, and the time specified in any such notice shall commence to run from that date.

(e) Any applicant, licensee or registrant who desires to have notices or other communications mailed to an address other than that specified in the application shall file with the Commission and the Division a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant, licensee or registrant at such address.

(f) An applicant, licensee or registrant will be addressed under the name and style designated in the application, and separate notices or communications will not be sent to individuals named in such application unless a specific request for that purpose is filed with the Commission and the Division. In the absence of such a specific request, a notice addressed under the name or style designated in the application shall be deemed to be notice to all individuals named in such application.

(g) Applicants, licensees and registrants shall immediately notify the Commission and the Division of any change of address, and shall specifically request that all notices or other communications be sent to the new address.

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.1994 d.218, effective May 2, 1994.

See: 26 N.J.R. 782(a), 26 N.J.R. 1842(b).

#### 19:40-3.4 Public information office

(a) Requests for information regarding the Casino Control Commission may be directed to:

Casino Control Commission  
Public Information Office  
Arcade Building  
Tennessee Avenue and the Boardwalk  
Atlantic City, NJ 08401

(b) Any person may, upon payment of the appropriate fee pursuant to N.J.A.C. 19:40-3.2, obtain a copy of the Monthly Statements, Quarterly Reports and Annual Reports to the Commission from each casino licensee. Copies of the Commission's Annual Report are available to the public at no charge. Such requests should be directed to the address in (a) above.

(c) Access to information and data furnished to or obtained by the Commission or Division from any source is subject to the provisions of N.J.S.A. 5:12-74(d) and (e) and N.J.A.C. 19:40-4.

Administrative Change.  
See: 23 N.J.R. 3655(a).

#### 19:40-3.5 Filing of petitions and applications

(a) Petitions for formal action by the Commission should be mailed to:

Casino Control Commission  
Division of Administration  
Document Control Unit  
Arcade Building, 1st Floor  
Tennessee Avenue and the Boardwalk  
Atlantic City, N.J. 08401

(b) Applications for the issuance or renewal of any license or registration required by the Act should be mailed to:

Casino Control Commission  
Division of Administration  
Document Control Unit  
Arcade Building, 1st Floor  
Tennessee Avenue and the Boardwalk  
Atlantic City, N.J. 08401

(c) Applications for the issuance or renewal of employee and casino service industry licenses may be hand delivered to:

Casino Control Commission  
Casino Employee License Information Unit  
Arcade Building, 2nd Floor  
Tennessee Avenue and the Boardwalk  
Atlantic City, N.J. 08401

Administrative Change.  
See: 23 N.J.R. 3655(a).

#### 19:40-3.6 Petitions for rulemaking

(a) Any interested person may file a petition with the Commission for the adoption, amendment or repeal of any rule, pursuant to section 69(c) of the Act and N.J.S.A. 52:14B-4(f). Such petition shall be in writing, be signed by the petitioner, and include the following information:

1. The name and address of the petitioner;
2. The substance or nature of the requested rulemaking;
3. The reasons for the request;
4. The specific legal rights, duties, obligations, privileges, benefits or other specific legal relations of the interested person which are affected by the requested rulemaking; and
5. Reference to the statutory authority under which the Commission may take the requested action.

(b) Any document submitted to the Commission which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further action. Such document shall be returned to the petitioner with instructions as to the steps necessary to correct any defects or omissions in accordance with this section.

(c) Within 15 days of receipt of a petition in compliance with this section, the Commission shall file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register in compliance with N.J.A.C. 1:30-3.6(a).

(d) A petition for rulemaking shall be scheduled for consideration at a regularly scheduled public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.

(e) Within 30 days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition in compliance with N.J.A.C. 1:30-3.6(b), which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.

(f) In accordance with N.J.A.C. 1:30-3.6(c), Commission action on a petition for rulemaking may include:

1. Denial of the petition;
2. Filing a notice of proposed rule or a notice of a pre-proposal for a rule with the Office of Administrative Law; or
3. Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

#### 19:40-3.7 Declaratory rulings

(a) Pursuant to N.J.S.A. 52:14B-8, any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the Act or of any Commission rule.

(b) A request for a declaratory ruling shall be initiated by a petition. The petition shall include the following items with specificity:

1. The nature of the request and the reasons therefor;
2. The facts and circumstances underlying the request;
3. Legal authority and argument in support of the request; and
4. The remedy or result desired.

(c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such a ruling.

1. Where there exists disputed issues of fact which must be resolved in order to determine the rights, duties, obligations, privileges, benefits or other legal relations of specific parties, such hearings shall be conducted in accordance with N.J.A.C. 19:42-2.

2. Where there exists no such disputed issues of fact as identified in (c)1 above, the matter shall proceed on the petition, any other papers requested of the parties, and oral argument, if permitted by the Commission.

(d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

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

## SUBCHAPTER 4. CONFIDENTIAL INFORMATION

### 19:40-4.1 Definitions

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

“Authorized personnel” means any member or employee of the Commission or any employee or agent of the Division.

“Confidential information” means any information or data, furnished to or obtained by the Commission or Division from any source, which is considered confidential pursuant to the provisions of N.J.S.A. 5:12-74(d) and (e), or which is otherwise confidential pursuant to applicable statutory provision, judicial decision or rule of court.

“Secure storage facility” means any area, room, furniture, equipment, machinery or other device used by the Commission or Division for the storage of confidential information, access to which is limited to authorized personnel at all times by locks, alarms, codes or other appropriate security precautions.

Administrative Correction.  
See: 26 N.J.R. 4788(a).

### 19:40-4.2 Determination of confidential status

(a) Except as provided by N.J.S.A. 5:12-74(h), all information and data furnished to or obtained by the Commission or Division which relates to the internal controls specified in N.J.S.A. 5:12-99(a), or to the earnings or revenue of any applicant, registrant or licensee, or which pertains to an applicant's criminal record, family or background, shall be presumed to be confidential and shall not be released or disclosed to any person except in accordance with the provisions of this subchapter.

(b) Any question concerning whether or not a specific item of information or data within the possession of the Commission or Division is deemed to be confidential information under N.J.S.A. 5:12-74(d) and (e), or any other applicable statutory provision, judicial decision or rule of court, shall be submitted to the Commission or its designee for determination or referral to appropriate authorities.

#### Case Notes

Release of confidential witness statement to the witness and his attorney does not destroy confidential nature of statement: Commission not entitled to otherwise release such information; requisite showing of need not met to order release. Canadian Imperial Bank of Commerce v. Boardwalk Regency Corp., 108 F.R.D. 737 (D.N.J.1986).