

19:40-1.6 Practice where regulations do not govern

In any matter not governed by these rules and regulations, the Commission or the Division shall exercise its discretion so as to carry out the purposes of the Act.

Recodified from 19:40-1.13 by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.2.

The following annotation pertains to the rule formerly at this cite:

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

(b) amended.

Administrative Correction.

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

19:40-1.7 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Section substantially amended.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.4.

19:40-1.8 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-2.1.

19:40-1.9 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Addresses changed.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-3.1.

19:40-1.10 (Reserved)

As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Section substantially amended.

Repealed by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

See new 19:40-3.2.

19:40-1.11 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).
See new 19:40-3.3.

19:40-1.12 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).
See new 19:40-1.5.

19:40-1.13 (Reserved)

Repealed by R.1989 d.495, effective September 18, 1989.
See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).
See new 19:40-1.6.

SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION

19:40-2.1 Organization

(a) The Commission consists of five members appointed by the Governor with the advice and consent of the Senate.

(b) The officers of the Commission shall include a Chair and a Vice-Chair who shall be members of the Commission, and an Executive Secretary who shall not be a member of the Commission.

1. The Chair, as chief executive officer of the Commission, shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget; shall have general supervision, direction and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.

2. The Vice-chair shall be elected annually at the organizational meeting of the Commission by a majority of the full Commission. The Vice-chair shall be a member of the Commission other than the Chair. He or she shall possess such powers and shall perform such duties as may be assigned, from time to time, by the Commission. In the absence or inability of the Chair to serve or in the event of a vacancy in the office of Chair, the Vice-chair shall be empowered to carry out all of the responsibilities of the Chair.

3. The Executive Secretary shall be appointed by the Commission and shall serve at the pleasure of the Commission. Under the supervision of the Chair, the Executive Secretary shall be responsible for the conduct of the administrative affairs of the Commission and shall have custody of the Commission's seal and its official records.

The Executive Secretary shall keep a record of the proceedings at all meetings of the Commission in a minute book and a resolution book or both, to be kept for the purpose, which shall be open at all reasonable times to inspection by any member of the Commission. He or she shall cause a verbatim transcript to be made of the public meetings of Commission, according to law. He or she shall affix the seal of the Commission to all papers authorized to be executed by the Commission requiring such seal to be affixed. He or she shall cause copies to be made of the verbatim transcript of the public meetings, and of all minutes, resolutions and other records and shall cause such copies to be filed with the appropriate authorities according to law. He or she shall give certificates under the seal of the Commission to the effect that such copies are true copies and all persons dealing with the Commission may rely on such certificates. He or she shall perform such other duties as are incident to his or her office or as may be assigned, from time to time, by the Commission or by the Chair.

(c) The Commission's staff shall be comprised of the divisions and offices set forth below. Each division and office shall be organized into such operational units, and each unit shall have such assigned positions, as the Chair shall direct.

1. The Division of Administration shall provide the personnel, data processing and administrative services necessary for the operation of the Commission; maintain the official records of the Commission and a record of all Commission proceedings; and serve as the central filing location for petitions and submissions to the Commission.

2. The Division of Financial Evaluation shall conduct casino gross revenue audits, analyze the financial position and operating performance of casino licensees, assess and collect fees and gross revenue taxes, and provide the budget services necessary for the operation of the Commission.

3. The Division of Licensing shall process and review casino, casino key employee, casino employee, and junket representative license applications and renewals, hotel registrations and Employee License Internal Control Submissions; monitor the business relationships between ancillary industries and casino licensees and casino applicants; process gaming, non-gaming and junket-related casino service industry license applications and renewals, Vendor Registration Forms and Internal Control Submissions for Purchasing and Disbursing; process contested case matters; and review all facility related matters which affect a casino license and casino hotel alcoholic beverage related matters.

4. The Division of Compliance shall review and evaluate petitions and submissions related to accounting and internal controls, gaming equipment and rules of the games; monitor compliance with regulations regarding accounting and internal controls, gaming equipment and

rules of the games; receive patron complaints; and monitor and promote compliance by casino licensees, gaming schools, casino service industries and construction industries with State equal employment opportunity, affirmative action, and minority and women's business enterprise requirements.

5. The Office of the Commissioners shall consist of the following:

i. The Chair, Vice-chair, Commissioners and their Secretarial and Executive Assistants;

ii. The Office of the General Counsel, which shall render legal advice to the Chairman and the Commission, represent the Commission in litigation and oversee Commission rulemaking;

iii. The Equal Employment Opportunity and Affirmative Action Officer, who shall have overall responsibility for the planning, implementation, development and supervision of the Commission's affirmative action and equal employment opportunity program and serve as the Commission's Americans with Disabilities Act coordinator in accordance with 42 U.S.C. §§ 12101 et seq. and N.J.A.C. 19:40-6; and

iv. The Office of Communications, which shall be responsible for the dissemination of information to the media and the public and shall act as liaison to the community, other governmental entities and departments and the State Legislature.

(d) The Chair, the Director of Financial Evaluation, the Director of Licensing, the Director of Compliance, the Director of Communications, the Director of Administration, the General Counsel, the Executive Secretary, and the Equal Employment Opportunity and Affirmative Action Officer shall constitute the management team of the Commission, and shall execute general Commission policies as established by the Commission.

Amended by R.1990 d.618, effective November 26, 1990.

See: 22 N.J.R. 3763(a).

Added references to the organization of the Office of the Commissioners and the Compliance Division.

Administrative Correction.

See: 23 N.J.R. 714(b).

Amended by R.1992 d.150, effective March 6, 1992.

See: 24 N.J.R. 1375(c).

In (c) 1, 3, 4 and 5 revised official titles of the Division of Administration, Division of Licensing, Division of Compliance and added the Director of Organizational Development designation.

Amended by R.1992 d.410, effective September 18, 1992.

See: 24 N.J.R. 3737(a).

Amended by R.1993 d.352, effective June 18, 1993.

See: 25 N.J.R. 3240(b).

Amended by R.1993 d.404, effective July 23, 1993.

See: 25 N.J.R. 3842(a).

Amended by R.1994 d.64, effective January 11, 1994.

See: 26 N.J.R. 826(b).

Amended by R.1999 d.169, effective May 3, 1999.

See: 31 N.J.R. 1501(a).

In (b)3, substituted "be responsible for the conduct of the" for "act as the Chief of Staff of the Commission; be responsible for the conduct of the operational and" following "shall" in the second sentence; and rewrote former (c) as (c) and (d).

Administrative correction.

See: 31 N.J.R. 1818(c).

19:40-2.2 Meetings

(a) Regular meetings of the Commission shall be held at least once per month on such dates and at such times and places as the Chair or the Commission shall establish.

(b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Chair or the Commission may deem convenient. Special meetings of the Commission may be called at the discretion of the Chair; but the Chair shall call a special meeting at the request of any three members of the Commission.

(c) The annual reorganizational meeting of the Commission shall be the first meeting of the Commission in January of each year.

(d) All meetings of the Commission shall be in compliance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

(e) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:

1. Presiding officer's statement of compliance with the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;
2. Roll call;
3. Ratification of the minutes of prior meetings;
4. Consideration of applications for licenses;
5. Consideration of complaints against licensees;
6. Consideration of petitions for Commission action or approval; and
7. Questions and comments from the public.

19:40-2.3 Quorum; votes

(a) A majority of the full Commission shall constitute a quorum at any meeting of the Commission.

(b) The vote on any matter before the Commission shall be taken in a manner to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.