

CHAPTER 69C
CASINO LICENSEES

Authority

N.J.S.A. 5:12-69, 70, 76, and 144.

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CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:69C-1.1 Applicability of rules to noncorporate entities
- 13:69C-1.2 Casino operation
- 13:69C-1.3 Grounds for disciplinary action

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

- 13:69C-2.1 Persons required to be licensed
- 13:69C-2.2 Persons required to be qualified
- 13:69C-2.3 Notification of anticipated or actual changes in directors, officers or equivalent qualifiers of casino licensees and holding companies
- 13:69C-2.4 Notification of new financial sources
- 13:69C-2.5 Notification concerning certain new qualifiers of holding companies and new qualifying entities
- 13:69C-2.6 Qualification of new directors, officers or other qualifiers of a casino licensee
- 13:69C-2.7 Qualification of new directors, officers or other qualifiers of a holding company
- 13:69C-2.7A Continuing qualification
- 13:69C-2.8 Issuance or transfer of interests
- 13:69C-2.9 Holding companies, intermediary companies, entity qualifiers and subsidiaries

SUBCHAPTER 3. STANDARDS FOR LICENSURE OR QUALIFICATION

- 13:69C-3.1 (Reserved)
- 13:69C-3.2 Applicable standards

SUBCHAPTER 4. FINANCIAL STABILITY OF CASINO LICENSEES AND APPLICANTS

- 13:69C-4.1 Definitions
- 13:69C-4.2 Financial stability
- 13:69C-4.3 Material debt transactions and continuing assessment of financial condition
- 13:69C-4.4 Continuing financial stability reporting requirements
- 13:69C-4.5 Failure to demonstrate financial stability

SUBCHAPTER 5. INVESTIGATION REQUIREMENTS

- 13:69C-5.1 General investigative standards
- 13:69C-5.2 Continuing licensure
- 13:69C-5.3 Materials required to be submitted in connection with a casino license
- 13:69C-5.4 Petitions for waiver
- 13:69C-5.5 Petitions for statements of compliance

SUBCHAPTER 5A. DESIGNATION OF QUALIFIERS AND WAIVER FROM QUALIFICATION

- 13:69C-5A.1 Exceptions to qualification

SUBCHAPTER 5B. QUALIFICATION OF FINANCIAL BACKERS

- 13:69C-5B.1 Qualification of financial backers and others delineated in N.J.S.A. 5:12-85.1e

SUBCHAPTER 6. CASINO HOTEL FACILITY REQUIREMENTS

- 13:69C-6.1 Definitions
- 13:69C-6.2 The casino hotel
- 13:69C-6.3 Declaratory rulings as to proposed casino hotel facilities
- 13:69C-6.4 Casino facilities

SUBCHAPTER 7. OPERATION CERTIFICATE

- 13:69C-7.1 Standards for issuance
- 13:69C-7.2 Test period
- 13:69C-7.3 Floor plans of the casino floor, casino simulcasting facility and any restricted areas
- 13:69C-7.4 Master lists of approved slot machines and table games; movement of gaming equipment; amendments of operation certificates upon filing of updated master lists
- 13:69C-7.5 Effective date; duration
- 13:69C-7.6 Amendment to conform to approved changes
- 13:69C-7.7 Temporary amendments for pit and slot zone reconfigurations or reconstitutions
- 13:69C-7.8 Access to public and restricted areas

SUBCHAPTER 8. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

- 13:69C-8.1 Minutes of meetings of boards and committees
- 13:69C-8.2 Governing documents
- 13:69C-8.3 Profit sharing agreements
- 13:69C-8.4 Financial statements and projections
- 13:69C-8.5 Tax return filings
- 13:69C-8.6 Securities filings
- 13:69C-8.7 Annual reports
- 13:69C-8.8 Compliance system

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

- 13:69C-9.1 Employee internal controls submission
- 13:69C-9.2 Obligation to terminate, suspend or refuse employment; form of notice
- 13:69C-9.3 Employee reporting and recordkeeping requirements
- 13:69C-9.4 through 13:69C-9.5 (Reserved)
- 13:69C-9.6 Notice, verification and implementation of wage execution

SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS

- 13:69C-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record
- 13:69C-10.2 Maintaining agreements; filing of agreements
- 13:69C-10.3 Review of agreements and records of agreements; termination upon disapproval
- 13:69C-10.4 Filing requirements: Vendor Registration Form
- 13:69C-10.5 Exemption from registration
- 13:69C-10.6 Master Purchasing and Disbursement Report
- 13:69C-10.7 Internal controls

SUBCHAPTER 11. CASINO LICENSE RETENTION

- 13:69C-11.1 Continuing casino licensure

SUBCHAPTERS 12 THROUGH 13. (RESERVED)

SUBCHAPTER 14. ADVERTISING

- 13:69C-14.1 Applicability of advertising rules
 13:69C-14.2 Criteria governing advertising
 13:69C-14.3 Division approval

SUBCHAPTER 15. ENTERTAINMENT, FILMING OR PHOTOGRAPHY

- 13:69C-15.1 Prohibited entertainment activities
 13:69C-15.2 Entertainment, filming or photography within the casino and casino simulcasting facility

SUBCHAPTER 16. UNDERAGE GAMING

- 13:69C-16.1 Underage gaming—violations
 13:69C-16.2 Underage gaming violations—affirmative defenses

SUBCHAPTER 1. GENERAL PROVISIONS

13:69C-1.1 Applicability of rules to noncorporate entities

The rules set forth in this chapter shall apply to the extent appropriate with the same force and effect with regard to casino license applicants and casino licensees that have a legal existence other than corporate, and all noncorporate entities shall comply with all relevant requirements applicable to corporate entities.

13:69C-1.2 Casino operation

(a) It is the policy of the Division to require that all establishments wherein gaming is conducted in this State be operated in a manner suitable to protect the public health, safety, morals, good order and general welfare of the State of New Jersey.

(b) Responsibility for the implementation and maintenance of a suitable manner of operation rests with the licensee, and willful or persistent use or toleration of manners of operation deemed unsuitable will constitute grounds for license revocation or other disciplinary action.

13:69C-1.3 Grounds for disciplinary action

(a) The Division deems any activity on the part of any licensee, its agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the State of New Jersey, or that would reflect or tend to reflect discredit upon the State of New Jersey or the gaming industry, to be an unsuitable manner of operation and shall be grounds for disciplinary action by the Division in accordance with the Casino Control Act and the rules of the Division and the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable manners of operation:

1. Failure to exercise discretion and sound judgment to prevent incidents which might reflect on the reputation of

the State of New Jersey and act as a detriment to the industry;

2. Failure to comply with or make provision for compliance with all Federal, State and local laws and regulations pertaining to the operations of a licensed establishment; or

3. Failure to abide by a provision or policy of the Act or any of the rules promulgated thereunder.

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

13:69C-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.

13:69C-2.2 Persons required to be qualified

(a) Except as otherwise provided in N.J.A.C. 13:69C-2.7, no casino license shall be issued or remain in full force and effect unless the individual qualifications of every person required by the Act and the Director to qualify as part of the application for the issuance or retention of the casino license shall have been established in accordance with all relevant standards set forth in the Act and the rules of the Division and, in the instance of the issuance of a casino license, the rules of the Commission.

(b) The following persons shall be required to qualify as part of the application for the issuance or retention 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 backers, investors, mortgagees, bondholders, or holders of indentures, notes or other evidences of indebtedness, in effect or proposed, which bear relation to the applicant or casino licensee, required to qualify pursuant to the provisions of N.J.S.A. 5:12-85.1e; and

3. All persons required to qualify pursuant to the provisions of N.J.S.A. 5:12-85.1b, c and g.

(c) The Director may at any time require an applicant or casino licensee to establish the qualification of any person that the Director may deem appropriate for qualification pursuant to N.J.S.A. 5:12-84, 85, 85.1 and 105. Any person deemed appropriate for qualification shall promptly file the required application form.

(d) It shall be the affirmative responsibility of each applicant or casino licensee to ensure that all persons required by the Act and the rules of the Division to establish their

casino licensee and its qualifying entities and individuals submit to the Division the documentation and information set forth in (c) below to demonstrate to the satisfaction of the Director that they continue to meet the requirements of N.J.S.A. 5:12-84, 85 and 85.1; and

2. The Director issues a summary report to the Commission that no information exists sufficient to warrant revocation, suspension, limitation, or conditioning of such license.

(b) If the Director determines that a hearing on any issue is required, the Division shall issue a report and recommendation to the Commission in accordance with N.J.S.A. 5:12-87 which shall initiate a hearing pursuant to subsection b thereof at which the casino licensee and its qualifying entities and individuals shall bear the burden of proving, by clear and convincing evidence, continued qualification for licensure.

(c) The documentation and information to be submitted to the Division shall consist of, but is not limited to:

1. The Business Entity Disclosure (BED) Resubmission forms required by N.J.A.C. 13:69A-5.6A for a casino license;

2. The Personal History Disclosure Forms required by N.J.A.C. 13:69C-2.6 for a casino license, in accordance with the qualifier procedures set forth in N.J.A.C. 13:69C-5.3(a)2;

3. Copies of all New Jersey Consolidated Corporation Business Tax Returns, in accordance with N.J.S.A. 5:12-148b not filed annually since the Division's most recent review;

4. The relevant information required in N.J.A.C. 13:69C-5.3 through 5.4;

5. Regardless of whether an exception to qualification has been previously granted, the documentation and information as set forth in N.J.A.C. 13:69C-5A and in the form therein specified for exceptions to qualification under N.J.S.A. 5:12-85.1, unless otherwise directed by the Division;

6. Regardless of whether submitted previously, the documentation and information as set forth in N.J.A.C. 13:69C-5B for the qualification of all financial backers and others as set forth in N.J.S.A. 5:12-85.1e, g and h unless otherwise directed by the Division;

7. Such information as may be requested by the Division to demonstrate the casino licensee's continuing 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. 13:69K and any relevant conditions to the current casino license;

8. Such information as may be requested by the Division to demonstrate compliance with all conditions,

restrictions, limitations and covenants in the current casino license and certificate of operation; and

9. Any other information or documentation which the Division may deem relevant to the continuing qualification of the casino licensee, or of any person required to be licensed or qualified, pursuant to the Act.

(d) The casino licensee shall file two hard copies of the information and documentation under (c) above and a computer disk of same with the Division at its Intake Unit, 2nd Floor, 1300 Atlantic Avenue, Atlantic City, New Jersey, ATTN: Casino Licensing Filing.

(e) Nothing in this subchapter shall prevent the Director from reopening licensing hearings at any time.

SUBCHAPTERS 12 THROUGH 13. (RESERVED)

SUBCHAPTER 14. ADVERTISING

13:69C-14.1 Applicability of advertising rules

(a) Except as otherwise provided in this section, the term "advertisement" means any notice or communication by an applicant or licensee to the public of any information concerning the gaming-related business of an applicant or licensee through broadcasting, publication, or any other means of dissemination. An applicant or licensee shall also be responsible for all advertisements which are made by its agents, regardless of whether the applicant or licensee participated directly in its preparation, placement or dissemination.

(b) The following notices and communications shall not be deemed advertisements for purposes of this chapter, but shall be subject to any review and approval by the Division otherwise required by the Act or by rule:

1. Any sign, notice, or other information required to be provided by the Act or by rule, including, without limitation, the following:

i. Notice regarding the rules of the games in accordance with N.J.A.C. 13:69F-8.3;

ii. The posting of information about rules of the games, payoffs of winning wagers and odds, in accordance with Section 100(f) of the Act;

iii. Gaming guides approved pursuant to N.J.A.C. 13:69F-8.5;

iv. Information imprinted upon gaming table layouts in accordance with N.J.A.C. 13:69E; and

v. Information imprinted, impressed, affixed or engraved on slot machines or bill changers in accordance with N.J.A.C. 13:69D and 13:69E;

2. Any signs or other directional devices contained in a casino or casino simulcasting facility for the purpose of identifying the location of authorized games or the locations from which simulcast wagers may be made; and

3. The distribution of a prepared statement containing information or news of general interest to persons employed in the reporting of such information or news to the public, such as newspapers or periodicals, or radio or television stations.

13:69C-14.2 Criteria governing advertising

(a) Advertising shall conform to the requirements of Section 70(a)(16) of the Act and this subchapter.

(b) Any on-site advertising of casino or casino simulcasting facility operations shall contain the phrase "Bet With Your Head, Not Over It," or some comparable language approved by the Division.

(c) All advertising which appears in print, or on a billboard or sign shall contain the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER" or some comparable language approved by the Division, which contains the words "gambling problem" and "call 1-800-GAMBLER" to appear legibly on all print.

(d) Advertising shall be based upon fact, and shall not be false, deceptive or misleading. Without limitation as to the generality of the foregoing requirement, no advertising shall:

1. Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact; or

2. Fail to specifically designate any material conditions or limiting factors.

(e) The following practices shall be prohibited with respect to all advertisements:

1. Advertising within a casino hotel complex which violates the obscenity statutes of this State or which includes:

i. The portrayal or depiction of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

ii. The portrayal or depiction of touching, caressing or fondling of the breasts, buttocks, anus or genitals;

iii. The portrayal or depiction of the pubic hair, vulva, genitals, anus, female nipple or female areola; and

2. The failure to maintain any offer for the advertised period of availability or in a quantity sufficient to meet reasonably anticipated demand.

(f) In the event that the proponent of any advertising which is or may be subject to this subchapter has a question

as to the propriety hereunder or applicability hereto, or both, as the case may be, of such advertising, such person may petition the Division in writing for an advisory opinion as to such propriety or applicability, or both, as the case may be.

13:69C-14.3 Division approval

(a) All advertising or in the case of standard or recurring advertising, a sample thereof, which is directly related to casino gaming or casino gaming activity, shall be maintained by the casino licensee or applicant, or the casino service industry licensee or applicant for a period of one year from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the casino licensee or applicant or casino service industry licensee or applicant or the junket representative licensee or applicant or the junket enterprise licensee or applicant. Advertising required to be maintained by this section shall be maintained at the principal place of business of the licensee or applicant, and shall be made available or produced for inspection upon the request of the Division.

(b) Each casino licensee or applicant shall maintain a file containing samples of the types and forms of advertising and promotional materials not directly related to casino gaming or casino gaming activity for a period of six months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the casino licensee or applicant, and shall be made available or produced for inspection upon the request of the Division.

(c) Standard or recurring advertisement for purposes of this section shall be deemed to be standard advertisements in standard formats which may be used more than once with minor changes to the copy and/or pictures in such advertisement.

SUBCHAPTER 15. ENTERTAINMENT, FILMING OR PHOTOGRAPHY

13:69C-15.1 Prohibited entertainment activities

(a) No motion picture shall be exhibited within any casino hotel complex either by direct projection or by closed circuit television which would be classified as obscene material pursuant to the definition contained in N.J.S.A. 2C:34-2.

(b) No live entertainment shall be permitted within a casino hotel complex which includes:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
3. The actual or simulated display of the pubic hair, vulva, genitals, anus, female nipple or female areola.

13:69C-15.2 Entertainment, filming or photography within the casino and casino simulcasting facility

(a) No entertainment, filming or photography shall be offered or conducted within the casino or the casino simulcasting facility, or shall be significantly visible or audible from or in the casino or simulcasting facility, unless the casino licensee files a written notice with the Division at the Division's Regulatory Enforcement Bureau office in the establishment, at least five business days prior to the commencement of such entertainment, filming or photography, which notice shall include, at a minimum, the following information:

1. The date and time of the scheduled entertainment, filming or photography;
2. A detailed description of the type of entertainment, filming or photography to be offered;
3. The number of persons involved in the entertainment, filming or photography;
4. The exact location of the entertainment, filming or photography on the casino floor and casino simulcasting facility;
5. A description of any additional security measures that will be implemented as a result of the entertainment, filming or photography; and
6. A certification from the supervisors of the casino licensee's security, casino gaming operations, and surveillance departments that the proposed entertainment, filming or photography will not adversely affect the security and integrity of gaming operations.

(b) The Division may at any time require the licensee to immediately cease any entertainment, filming or photography offered within the casino or casino simulcasting facility, if the entertainment, filming or photography provided is in any material manner different from the description contained in the submission filed pursuant to (a) above or in any way compromises the security or integrity of gaming operations.

(c) In reviewing the initial or continued suitability of an entertainment, filming or photography proposal, the Division shall consider the extent to which the entertainment, filming or photography proposal may unduly disrupt or interfere with:

1. Efficient casino operations;
2. The security of the casino or casino simulcasting facility or any restricted casino area;

3. Surveillance operations; or

4. The security or integrity of gaming operations or any authorized game.

SUBCHAPTER 16. UNDERAGE GAMING

13:69C-16.1 Underage gaming—violations

(a) No casino licensee or agent or employee thereof, shall allow, permit or suffer any person under the age at which a person is authorized to purchase and consume alcoholic beverages in this State ("underage person") to:

1. Enter a casino or casino simulcasting facility, except to pass directly to another room, unless the underage person is licensed and/or registered under the Act and is acting in the regular course of his or her authorized employment;
2. Remain in a casino or casino simulcasting facility, unless the underage person is licensed and/or registered under the Act and is acting in the regular course of his or her authorized employment;
3. Wager at any game or at casino simulcasting in a casino or casino simulcasting facility;
4. Be rated as a player;
5. Receive complimentary services or items as a result of, or in anticipation of, his or her gaming activity; or
6. Utilize credit.

(b) No casino licensee or agent or employee thereof, shall approve a credit limit for an underage person, pursuant to N.J.A.C. 13:69D-1.27(b).

(c) Each violation of any of the provisions of (a) or (b) above as to a single underage person shall be considered a separate and distinct violation for purposes of N.J.S.A. 5:12-129.

(d) Each employee and agent of a casino licensee shall have an affirmative obligation to ensure that no underage persons engage in any of the activities listed in (a) above. Each employee or agent of a casino licensee who violates any provision of this section may be held jointly or severally liable for any such violation.

13:69C-16.2 Underage gaming violations—affirmative defenses

(a) No casino licensee or employee or agent thereof shall be held liable for any violation of N.J.S.A. 5:12-119 and N.J.A.C. 13:69C-16.1 if such person can establish the affirmative defense authorized by N.J.S.A. 5:12-119(b).

(b) For purposes of establishing an affirmative defense to a violation of N.J.S.A. 5:12-119 and N.J.A.C. 13:69C-16.1, the term "writing" in N.J.S.A. 5:12-119(b) shall include the following:

1. A photographic driver's license;
2. A photographic identification card issued pursuant to N.J.S.A. 33:1-81.2, or a similar card issued pursuant to the laws of another state or the Federal government; or
3. A writing which is made and signed by the underage person, and which contains, at a minimum, the following information:
 - i. The name, address, age and date of birth of the person; and
 - ii. A statement that the representation of age is being made to induce the licensee to permit the person to enter, remain or wager at a game or at casino simulcasting in a casino or casino simulcasting facility, to be rated, receive complimentaries, obtain approval of a credit limit, or to utilize credit.