

TITLE 19

OTHER AGENCIES

SUBTITLE K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

CHAPTER 40

GENERAL PROVISIONS

Authority

N.J.S.A. 5:12-54, 60, 63c, 69a and 74, and 52:14B-3.

Source and Effective Date

R.2010 d.065, effective April 7, 2010.
See: 42 N.J.R. 176(a), 42 N.J.R. 854(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 40, General Provisions, expires on April 7, 2017. See: 43 N.J.R. 1203(a).

Subchapter 6, Disability Discrimination Grievance Procedure, is exempt under 28 C.F.R. Part 35.

Chapter Historical Note

Chapter 40, General Provisions, Subchapter 1, Practices and Procedures, was adopted as R.1977 d.394, effective October 21, 1977. See: 9 N.J.R. 546(a).

Subchapter 2, Child Labor Violations, was adopted as R.1979 d.378, effective September 26, 1979. See: 11 N.J.R. 418(a), 11 N.J.R. 599(d).

Subchapter 3, Confidential Information, was adopted as R.1983 d.380, effective September 19, 1983. See: 15 N.J.R. 238(a), 15 N.J.R. 1604(c).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Practices and Procedures, and Subchapter 3, Confidential Information, were re-adopted as R.1984 d.454, effective September 26, 1984. See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Child Labor Violations, expired on September 26, 1984.

Pursuant to Executive Order No. 66(1978), Chapter 40, General Provisions, was readopted as R.1989 d.495, effective August 24, 1989, and Subchapter 3, Confidential Information, was recodified as Subchapter 4 and Subchapter 2, Organization and Operation of the Commission, Subchapter 3, Information and Filings, and Subchapter 5, Professional Practice, were adopted as new rules by R.1989 d.495, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Subchapter 6, Disability Discrimination Grievance Procedure, was adopted as R.1993 d.613, effective December 6, 1993. See: 25 N.J.R. 1503(a), 25 N.J.R. 5519(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, General Provisions, was readopted as R.1994 d.461, effective August 15, 1994. See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

Subchapter 7, Prohibited Political Contributions, was adopted as R.1998 d.111, effective March 2, 1998. See: 29 N.J.R. 4666(a), 30 N.J.R. 864(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, General Provisions, was readopted as R.1999 d.309, effective August 13, 1999. See: 31 N.J.R. 1454(a), 31 N.J.R. 2632(a).

Chapter 40, General Provisions, was readopted as R.2005 d.85, effective February 2, 2005. See: 36 N.J.R. 2193(a), 37 N.J.R. 788(a).

Chapter 40, General Provisions, was readopted as R.2010 d.065, effective April 7, 2010. See: Source and Effective Date.

Subchapter 3, Information and Filings, Subchapter 4, Confidential Information, Subchapter 5, Professional Practice, and Subchapter 7, Prohibited Political Contributions, were repealed by R.2011 d.303, effective December 19, 2011. See: 43 N.J.R. 2425(a), 43 N.J.R. 3377(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

- 19:40-1.1 Authority
- 19:40-1.2 (Reserved)
- 19:40-1.3 Construction and amendments
- 19:40-1.4 Words and terms; tense, number and gender
- 19:40-1.5 Severability and preemption
- 19:40-1.6 Practice where regulations do not govern
- 19:40-1.7 through 19:40-1.13 (Reserved)

SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION

- 19:40-2.1 Organization
- 19:40-2.2 Meetings
- 19:40-2.3 Quorum; votes
- 19:40-2.4 Resolutions and minutes
- 19:40-2.5 Delegation of Commission authority
- 19:40-2.6 Post-employment restrictions

SUBCHAPTERS 3 THROUGH 5. (RESERVED)

SUBCHAPTER 6. DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

- 19:40-6.1 Definitions
- 19:40-6.2 Purpose
- 19:40-6.3 Required ADA Notice
- 19:40-6.4 Designated ADA coordinator
- 19:40-6.5 Grievance procedure
- 19:40-6.6 Grievance contents
- 19:40-6.7 Grievance form
- 19:40-6.8 Investigation

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

19:40-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the Casino Control Act, constituting chapter 110, Laws of New Jersey 1977, as amended.

19:40-1.2 (Reserved)

Amended by R.1984 d.454, effective September 26, 1984.
See: 16 N.J.R. 2259(a), 2832(a).

Definitions substantially amended.
Amended by R.1987 d.302, effective July 20, 1987.
See: 18 N.J.R. 2005(a), 19 N.J.R. 1321(a).

Added text to definition "Slot machines".
Amended by R.1988 d.34, effective January 19, 1988.
See: 19 N.J.R. 1890(a), 20 N.J.R. 205(a).

Added definition "affiliate".

Amended by R.1989 d.187, effective April 3, 1989.

See: 20 N.J.R. 2644(a), 21 N.J.R. 933(b).

Definition of "junket representative" expanded to include individuals who derive no compensation from their junket activities, other than complimentary.

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

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

Changes to definitions of "authorized game", "casino employee", "casino hotel employee", "casino key employee", "casino service industry", "gross revenue" and "slot machine".

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1992 d.110, effective March 2, 1992.

See: 23 N.J.R. 3243(a), 24 N.J.R. 858(c).

Added new definitions for "gaming day" and "on a daily basis".

Amended by R.1992 d.474, effective December 7, 1992.

See: 24 N.J.R. 3223(a), 24 N.J.R. 4417(a).

Added to definition of "authorized game" statutory reference to N.J.S.A. 5:12-5, added games of minibaccarat, red dog, pai gow and sic bo.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Definitions amended: authorized game, casino employee, casino key employee, casino service industry; definitions added: casino simulcasting, casino simulcasting facility, hub facility, pari-mutuel ticket, pari-mutuel window, satellite cage, simulcast counter, simulcast horse race, simulcast payout.

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.65, effective February 7, 1994.

See: 25 N.J.R. 5114(a), 26 N.J.R. 826(a).

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

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

Amended by R.1994 d.423, effective August 15, 1994.

See: 26 N.J.R. 1620(a), 26 N.J.R. 3465(a).

Amended by R.1994 d.504, effective October 3, 1994.

See: 26 N.J.R. 2872(a), 26 N.J.R. 3253(a), 26 N.J.R. 4089(a).

Amended by R.1995 d.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Amended by R.1995 d.430, effective August 7, 1995.

See: 27 N.J.R. 1767(b), 27 N.J.R. 2967(a).

Amended "Casino check" definition.

Amended by R.1995 d.620, effective December 4, 1995.

See: 27 N.J.R. 3307(a), 27 N.J.R. 4909(a).

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.1996 d.122, effective March 4, 1996.

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

Amended by R.1996 d.314, effective July 15, 1996.

See: 28 N.J.R. 1612(a), 28 N.J.R. 3622(a).

Amended by R.1996 d.350, effective August 5, 1996.

See: 28 N.J.R. 2348(a), 28 N.J.R. 3816(a).

Amended by R.1996 d.439, effective September 16, 1996.

See: 28 N.J.R. 2809(a), 28 N.J.R. 4236(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), added "Gaming Chip", "Gaming Plaque", "Non-value chip", "Value chip".

Amended by R.1997 d.447, effective October 20, 1997.

See: 29 N.J.R. 2811(a), 29 N.J.R. 4560(a).

In (b), inserted "Count room supervisor".

Amended by R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

In (b), added "Restricted brewery authorization".

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended (b) and inserted new term "authorized game" or "authorized gambling game".

Amended by R.1998 d.122, effective March 2, 1998.

See: 29 N.J.R. 5057(a), 30 N.J.R. 863(a).

Added "'Slot machine drop' is defined in N.J.A.C. 19:45-1.1".

Amended by R.1998 d.147, effective March 16, 1998.

See: 30 N.J.R. 33(a), 30 N.J.R. 1057(a).

In (b), inserted "Layout".

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

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

In (b), inserted "Keno runner", "Keno runner request", "Keno ticket receipt", "Keno writer request", and "Public keno area".

Amended by R.1999 d.29, effective January 19, 1999.

See: 30 N.J.R. 30(a), 31 N.J.R. 144(a).

In (b), inserted references to casino war and fast action hold 'em in "Authorized game" or "authorized gambling game".

Amended by R.1999 d.42, effective February 1, 1999.

See: 30 N.J.R. 4034(a), 31 N.J.R. 454(a).

In (b), added "Washing or chemmy shuffle".

Amended by R.1999 d.221, effective July 19, 1999.

See: 30 N.J.R. 3171(a), 31 N.J.R. 1943(a).

In (b), inserted "Promotional non-gaming chip".

Amended by R.1999 d.379, effective November 1, 1999.

See: 30 N.J.R. 4147(b), 31 N.J.R. 3527(a).

Inserted "Chipperson".

Amended by R.2000 d.107, effective March 20, 2000.

See: 31 N.J.R. 3939(b), 32 N.J.R. 1051(a).

In (b), added "Promotional non-gaming token".

Amended by R.2000 d.334, effective August 21, 2000.

See: 31 N.J.R. 2525(a), 32 N.J.R. 3075(a).

In (b), added "Linked slot machine", "Multi-casino progressive slot system" and "Progressive jackpot".

Amended by R.2001 d.288, effective August 20, 2001.

See: 32 N.J.R. 4240(a), 33 N.J.R. 2824(a).

In (b) "Authorized game", added reference to colorado hold 'em poker.

Amended by R.2001 d.451, effective December 3, 2001.

See: 33 N.J.R. 772(a), 33 N.J.R. 4151(b).

In (b), added definitions for "Cumulative progressive jackpot meter", "Free play award", "Game cycle", "Game-within-a-game", "Jackpot scripting", "Last game recall", "Limited time payout", "Optimal strategy", "Play", "Primary slot machine game", "Scripting", "Skill feature", "Slot machine game", "Strategy feature", "Theoretical payout percentage" and "Variable outcome".

Amended by R.2002 d.207, effective July 1, 2002.

See: 34 N.J.R. 1249(a), 34 N.J.R. 2336(b).

In (b), added definition for "Coupons considered in the calculation of gross revenue".

Petition for Rulemaking.

See: 34 N.J.R. 1285(a), 2871(b).

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), "Bill changer" substituted "value" for "amount"; inserted "the value of gaming voucher" after "currency"; added "Electronic credit", "Gaming voucher".

Amended by R.2003 d.243, effective June 16, 2003.

See: 35 N.J.R. 1395(a), 35 N.J.R. 2740(a).

In (b), inserted "boston 5 stud poker" following "colorado hold 'em poker" in "Authorized game".

Petition for Rulemaking.

See: 35 N.J.R. 5171(a).

Amended by R.2003 d.462, effective December 1, 2003.

See: 35 N.J.R. 2792(a), 35 N.J.R. 5435(a).

In (b), added "Multi-denominational".

Amended by R.2004 d.175, effective May 3, 2004.

See: 35 N.J.R. 5527(a), 36 N.J.R. 2204(a).

In (b), added "Slot machine main program".

Amended by R.2004 d.326, effective August 16, 2004.

See: 36 N.J.R. 1305(a), 36 N.J.R. 3889(a).

In (b), inserted "double cross poker" following "5 stud poker," in "Authorized game" or "authorized gambling game".

Amended by R.2004 d.339, effective September 7, 2004.

See: 36 N.J.R. 2308(a), 36 N.J.R. 4165(b).

In (b), rewrote "Authorized game", added "Table game".

Amended by R.2004 d.465, effective December 20, 2004.

See: 36 N.J.R. 4165(b), 36 N.J.R. 5704(a).

In "Table game", inserted "double attack blackjack, double cross poker" preceding "double down stud," and "four card poker" preceding "let it ride poker".

Amended by R.2005 d.12, effective January 3, 2005.
 See: 36 N.J.R. 4105(a), 37 N.J.R. 100(a).
 In (b), added "Jackpot" and "Jackpot display", and substituted "jackpot" for "combination" in "Variable outcome".
 Amended by R.2005 d.86, effective March 7, 2005.
 See: 36 N.J.R. 623(a), 37 N.J.R. 789(a).
 In (b), added "Chief executive officer".
 Petition for Rulemaking.
 See: 37 N.J.R. 812(a).
 Amended by R.2005 d.121, effective April 18, 2005.
 See: 36 N.J.R. 2996(a), 37 N.J.R. 1227(b).
 Added "CCTV", "Commission inspector", "Principal inspector" and "Slot system operator"; and rewrote "Multi-casino progressive slot system".
 Amended by R.2005 d.216, effective July 5, 2005.
 See: 36 N.J.R. 3242(a), 37 N.J.R. 2561(a).
 Rewrote the section.
 Amended by R.2005 d.356, effective October 17, 2005.
 See: 37 N.J.R. 2301(a), 37 N.J.R. 4034(a).
 In (b), added " , texas hold 'em bonus poker" to definition "Table game".
 Amended by R.2006 d.276, effective July 17, 2006.
 See: 38 N.J.R. 1413(a), 38 N.J.R. 3067(a).
 In definition "Table game", inserted "flop poker," preceding "four card poker".
 Amended by R.2006 d.341, effective September 18, 2006.
 See: 38 N.J.R. 2404(a), 38 N.J.R. 3920(a).
 In definition "Table game" in (b), deleted "and" preceding "three card poker" and inserted "and two card joker poker".
 Amended by R.2007 d.86, effective March 19, 2007.
 See: 38 N.J.R. 3149(a), 39 N.J.R. 940(a).
 Added definitions "Riffle shuffle" and "Strip shuffle".
 Amended by R.2007 d.117, effective April 16, 2007.
 See: 38 N.J.R. 4669(a), 39 N.J.R. 1505(a).
 In (b), added definitions "ATM transaction", "ATM Transaction Report", "Automated jackpot payout machine", "Automated Jackpot Payout Machine Journal Report", "Balance Receipt", "Bill validator", "Bill validator box", "Bill validator drop", "Bill Validator Receipt", "Cash Fill", "Coin hopper", "Coin hopper fill", "Coupon acceptance system", "Coupon Redemption Report", "Credit Receipt", "Currency", "Currency cassette", "Currency cassette fill", "Currency cassette reject bin", "Express jackpot", "Fill Receipt", "Gaming Voucher Error Receipt", "Gaming voucher redemption machine", "Gaming Voucher Redemption Machine Journal Report", "Gaming Voucher Redemption Machine Report", "Gaming Voucher System Report", "Inventory Report", "Manual slot payout", "Manual Slot Payout Report" and "System override".
 Amended by R.2007 d.222, effective July 16, 2007.
 See: 39 N.J.R. 359(b), 39 N.J.R. 2655(a).
 Added definition "Jackpot-to-credit-meter switch".
 Amended by R.2007 d.246, effective August 20, 2007.
 See: 39 N.J.R. 1652(a), 39 N.J.R. 3551(d).
 In definition "Table game", inserted "asia poker".
 Amended by R.2008 d.95, effective April 21, 2008.
 See: 39 N.J.R. 5192(a), 40 N.J.R. 2132(a).
 In definition "Table game" in (b), substituted a comma for "and" following "three card poker" and inserted "and ultimate texas hold 'em".
 Amended by R.2008 d.263, effective September 2, 2008.
 See: 40 N.J.R. 2422(a), 40 N.J.R. 5064(a).
 In definition "Table game" in (b), substituted a comma for "and" preceding "ultimate" and inserted "and winner's pot poker".
 Administrative correction.
 See: 41 N.J.R. 2341(b).
 Amended by R.2009 d.307, effective October 5, 2009.
 See: 41 N.J.R. 2639(a), 41 N.J.R. 3847(a).
 Rewrote definition "Casino check".
 Amended by R.2009 d.338, effective November 16, 2009.
 See: 41 N.J.R. 1983(a), 41 N.J.R. 4313(a).
 In definition "table game" in (b), inserted "supreme pai gow".
 Amended by R.2009 d.370, effective December 21, 2009.
 See: 41 N.J.R. 3052(a), 41 N.J.R. 4826(a).
 In (b), added definition "Representation of gaming debt".
 Amended by R.2010 d.184, effective September 7, 2010.
 See: 42 N.J.R. 918(a), 42 N.J.R. 2141(b).
 In (b), added definition "Multi-player slot machine system".

Amended by R.2010 d.186, effective September 7, 2010.
 See: 41 N.J.R. 3057(a), 42 N.J.R. 2143(a).
 In definition "Table game" in (b), inserted "mississippi stud".
 Amended by R.2011 d.009, effective January 3, 2011.
 See: 42 N.J.R. 2038(a), 43 N.J.R. 61(a).
 Substituted definition "Patron access control" for definition "Patrons access control"; in definition "Patron access control", deleted "uniquely" preceding "identify"; and in definition "Principal inspector", substituted "Commission's rules" for "Commissioner's regulations".
 Repealed by R.2011 d.303, effective December 19, 2011.
 See: 43 N.J.R. 2425(a), 43 N.J.R. 3377(a).
 Section was "Definitions".

19:40-1.3 Construction and amendments

(a) These rules shall be construed in accordance with generally accepted principles of statutory construction, including those set forth in N.J.S.A. 1:1-1 et seq.

(b) These rules shall be liberally construed to permit the Commission and the Division to effectively carry out their respective statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

(c) Nothing contained in these rules shall be so construed as to conflict with any provision of the New Jersey Casino Control Act or any other applicable statute.

(d) In special cases and for good cause shown, the Commission may relax or permit deviations from these rules.

(e) These rules may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

(f) Whenever any provision of these rules requires that an act or event occur on a specified day or date, and such day or date falls upon a Saturday, Sunday or legal holiday, such provision shall be construed to refer to the next business day immediately following such day or date.

Amended by R.1982 d.254, effective August 2, 1982, operative September 15, 1982.

See: 14 N.J.R. 558(b), 14 N.J.R. 841(a).

Added (f).

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

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

(f) deleted, new (f) and (g) added concerning dates of rules and temporary rulemaking.

Amended by R.1994 d.461, effective September 6, 1994.

See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

Amended by R.1996 d.351, effective August 5, 1996.

See: 28 N.J.R. 2349(a), 28 N.J.R. 3817(a).

Amended by R.2011 d.303, effective December 19, 2011.

See: 43 N.J.R. 2425(a), 43 N.J.R. 3377(a).

Deleted (g).

19:40-1.4 Words and terms; tense, number and gender

(a) In construing the provisions of these rules and regulations, except when otherwise plainly declared or clearly apparent from the context:

1. Words in the present tense shall include the future tense.

2. Words in the masculine shall include the feminine and neuter genders.

3. Words in the singular shall include the plural and the plural shall include the singular.

19:40-1.5 Severability and preemption

If any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chap-

ter or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

Recodified from 19:40-1.12 by R.1989 d.495, effective September 18, 1989.

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

The following annotations pertain 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).

Deleted old (e) and substituted new therefor.

Amended by R.2011 d.303, effective December 19, 2011.

See: 43 N.J.R. 2425(a), 43 N.J.R. 3377(a).

Deleted designation (a); and deleted (b).

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. The Commission may, in its discretion, appoint its General Counsel or such other qualified member of the staff to serve as and perform the duties of the Executive Secretary. 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 incidental 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, budget, data processing and administrative services necessary for the operation of the Commission; 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, and assess and collect fees and gross revenue taxes.

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; and review all facility related matters which affect a casino licensee 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; and, in conjunction with the Legal Division, receive and process patron complaints.

5. The Legal Division shall, under the direction of the General Counsel, render legal advice to the Chair, the Commission and the Commission's staff concerning all matters arising under the Act and the Commission's regulations; represent the Commission in litigation; process contested case matters; oversee Commission rulemaking; receive and process patron complaints in conjunction with the Compliance Division; oversee the conduct of Commission meetings and hearings; and, if the General Counsel is serving as Executive Secretary, maintain the official records of the Commission and a record of all Commission proceedings.

6. 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 Chief of Staff, which shall be responsible for the dissemination of information to the media and the public; act as liaison to the community, other governmental entities and departments and the State Legislature; monitor and promote compliance by casino licensees, casino service industries and con-

struction industries with State equal employment opportunity requirements; direct strategic planning, agency-wide policy development and the implementation of plans and policies; and shall be responsible for the conduct of the operational affairs of the Commission;

iii. The Office of the Executive Secretary and his or her support staff; and

iv. The Equal Employment Opportunity and Affirmative Action Officer, who shall have overall responsibility for the Commission's affirmative action and equal employment opportunity program.

(d) The Chair, the Division Directors, the General Counsel, the Chief of Staff, the Executive Secretary, the Public Information Officer and the Equal Employment Opportunity and Affirmative Action Officer shall constitute the management advisory 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).

Amended by R.2000 d.220, effective April 28, 2000.

See: 32 N.J.R. 2111(a).

Amended by R.2005 d.375, effective October 6, 2005.

See: 37 N.J.R. 4315(a).

In (b)3, added "The Commission may, in its discretion, appoint its General Counsel or such other qualified member of the staff to serve as and perform the duties of the Executive Secretary."; rewrote (c) and (d).

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.

19:40-2.4 Resolutions and minutes

(a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in the minutes in accordance with the requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.

(b) Every vote of the Commission recorded in the minutes shall include the following information:

1. The substance of the matter considered;
2. The vote of the Commission, including the names of any commissioners dissenting or abstaining;
3. If appropriate, reference to the existence of a formal resolution concerning the matter; and
4. Certification by the Executive Secretary.

(c) Every formal resolution of the Commission shall include the following information:

1. A concise statement of the issues presented and the relevant procedural history;
2. The precise statutory authority for the action taken;
3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereto; and
4. Certification by the Executive Secretary.

19:40-2.5 Delegation of Commission authority

(a) The Commission may, in its discretion and where permitted by law, delegate its authority to perform any of its functions under the Act or this title to a member or members of its staff. Except as provided in (d) below, such action shall for all purposes be deemed the final action of the Commission, without approval, ratification or other further action by the Commission.

(b) Any delegation of Commission authority shall be effected through the adoption of a formal resolution at a public meeting of the Commission. Such resolution shall specify the following, without limitation:

1. The specific authority delegated;
2. The member or members of the Commission's staff to whom such authority is delegated; and
3. Any limitations or conditions imposed on the authority delegated.

(c) All delegations of authority made pursuant to this section shall remain in effect indefinitely, unless otherwise specified in the implementing resolution. Any delegation of authority previously approved by the Commission may be revoked or modified by the Commission through the adoption of a subsequent formal resolution. All previous delegations of authority shall be reviewed by the full Commission, concurrent with each re-adoption of this chapter, to determine whether each delegation should be retained.

(d) Any determination by the Commission staff pursuant to delegated authority shall be presented for review by the full Commission, upon timely request by the Division or any party adversely affected by such determination. Such request shall be in writing, and must be received by the Commission within three days after the date of such determination. No determination by the Commission staff pursuant to delegated authority shall be deemed final until all parties have been afforded an opportunity for review in accordance with this subsection.

(e) Notwithstanding any other provision of this section, any matter which has otherwise been delegated to the Commission staff may alternatively be presented to and determined by the full Commission on its own motion or at

the discretion of the Chair, or upon the request of the Commission staff.

(f) The use of the term "Commission," "Chair," "Chairman," "Commissioner," or "member" in this title shall not be interpreted to preclude any delegation of authority to the Commission staff in accordance with this section.

(g) Whenever any provision of these regulations requires that a party provide notice to or file any application, petition or other submission with the Commission or Chair, the Commission shall provide written notice to such party, designating any member or members of its staff authorized to accept such notice or filings on behalf of the Commission or Chair.

New Rule, R.1992 d.409, effective October 19, 1992.
See: 24 N.J.R. 2348(a), 24 N.J.R. 3737(b).

19:40-2.6 Post-employment restrictions

(a) For purposes of this section, a "policy-making management position" means:

1. For the Commission, the Executive Secretary; the Chief of Staff; a Director of any Division; the General Counsel; the Public Information Officer; the Equal Employment Opportunity and Affirmative Action Officer; and any other person designated to serve on the Commission's management advisory team; and

2. For the Division, the Director; the Deputy Director; the Executive in Charge of Investigations; the Attorney Administrator, Licensing Prosecution Bureau; the Attorney Administrator, Regulatory Prosecution Bureau; the Agent Administrator, Licensing Investigations; and the Agent Administrator, Regulatory Enforcement.

(b) No employee of the Commission or employee or agent of the Division shall solicit or accept employment with, or acquire any direct or indirect interest in, any person who is an applicant, licensee or registrant with the Commission for a period of two years from the date of termination of his or her employment with the Commission or Division. Notwithstanding the foregoing:

1. A secretarial or clerical employee may solicit and accept such employment at any time after termination of employment with the Commission or the Division;

2. Any employee, other than a person subject to (c) below, who is terminated as the result of a reduction in workforce at the Commission or the Division may accept employment otherwise prohibited by this subsection upon application to and the approval of the Commission pursuant to (d) and (e) below;

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).
Amended by R.1999 d.169, effective May 3, 1999.
See: 31 N.J.R. 1501(a).

Rewrote (a)1.
 Administrative correction.
 See: 31 N.J.R. 1818(c).
 Amended by R.2005 d.375, effective October 6, 2005.
 See: 37 N.J.R. 4315(a).
 Rewrote (a)1.

SUBCHAPTERS 3 THROUGH 5. (RESERVED)

SUBCHAPTER 6. DISABILITY DISCRIMINATION
 GRIEVANCE PROCEDURE

19:40-6.1 Definitions

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

“ADA” means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

“Agency” means the New Jersey Casino Control Commission.

“Designated decision maker” means the Chairman of the Casino Control Commission or his or her designee.

19:40-6.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:40-6.5 through 6.8.

19:40-6.3 Required ADA Notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency’s compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title 11 of the Americans with Disabilities Act. Title 11 states, in part, that “no otherwise qualified disabled individual shall, solely by reason of

such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination” in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 19:40-6. As those rules indicate, grievances should be addressed to the agency’s designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator
 New Jersey Casino Control Commission
 Arcade Building
 Tennessee Avenue and Boardwalk
 Atlantic City, New Jersey 08401

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related grievances, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 30 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency’s designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person’s pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

19:40-6.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
New Jersey Casino Control Commission
Arcade Building
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:40-6.5 through 6.8.

19:40-6.5 Grievance procedure

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:40-6.4 within 30 days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

19:40-6.6 Grievance contents

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:40-6.7.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

1. The name of the grievant and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;
2. The address and telephone number of the grievant or alternate contact person; and
3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:40-6.7 Grievance form

The following form may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant: _____

Address of grievant: _____

Telephone number of grievant: _____

Name, address and telephone number of alternate contact person:

Agency alleged to have denied access: _____

Department: _____

Division: _____

Bureau or office: _____

Location: _____

Incident or barrier: _____

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:40-6.4.

19:40-6.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the

designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

SUBCHAPTER 7. (RESERVED)