

(b) Any gaming school licensee which enters into an agreement with a casino licensee or an applicant for a casino license to provide any course or program of instruction, must file with the commission and division, prior to the commencement of such training, a copy of said agreement. Each such agreement shall describe the training to be offered in sufficient detail to allow the commission to properly evaluate that training. This description shall include but need not be limited to:

1. The course or program title;
2. The number of persons involved in such training, and the maximum number of students that will be permitted to enroll in any one session of such training;
3. A description of the plan of instruction to be used;
4. The tuition and other charges or costs to the persons trained and to the parties to the agreement;
5. The name, license number and employer of every instructor to be utilized for such training;
6. The name, license number and employer of any support personnel to be used in such training;
7. The location where such training is to be conducted; and
8. Any certificate or other documentation to be awarded to persons successfully completing such training program.

As amended, R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

(b) added.

19:44-2.3 Casino licensee offering any course or program of instruction

For purposes of this chapter, the issuance of a casino license shall be deemed to include the issuance of a gaming school license to the casino license holder without the necessity of a separate gaming school license being issued provided that the casino licensee has met all the requirements for licensing as a casino service industry. A casino licensee may offer any course or program of instruction provided that the casino licensee shall have first been issued a certificate of operation authorizing the operation of a gaming school in compliance with these regulations.

As amended, R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

Section substantially amended.

19:44-2.4 Registration and qualifications; corporations

No corporation shall be eligible to apply for or hold a gaming school license unless each corporate and noncorporate holding company and intermediary company with respect thereto shall first register with the commission and establish such qualifications as the commission shall deem necessary.

19:44-2.5 Waivers

Upon written application from a public school district or public institution of higher education, the commission in its discretion may waive any licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of any course or program of instruction.

As amended, R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

Deleted "playing or dealing techniques" and substituted "any course or program of instruction".

19:44-2.6 Application for initial license

(a) An application for initial issuance of a gaming school license pursuant to N.J.S.A. 5:12-92a and b shall consist of the fee specified in N.J.A.C. 19:41-9.8 and a completed original and one copy of the following:

1. A Business Entity Disclosure (BED) form for the applicant as follows:

- i. For a corporation, a BED—Corporate as set forth in N.J.A.C. 19:41-5.6; or
- ii. For a partnership or sole proprietor, a BED—Partnership as set forth in N.J.A.C. 19:41-5.6A;

2. Both of the following in a format prescribed by the Commission;

- i. A notarized acknowledgment of the equal employment and business opportunity obligations imposed by N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53 which shall be signed and dated by the president, chief executive officer, partner or sole proprietor, as applicable; and

- ii. A statistical report of the composition of the applicant's work force;

3. The appropriate BED form in (a)1i or ii above for each holding company of the applicant; and

4. A completed application in accordance with N.J.A.C. 19:41-7.1A, including a Personal History Disclosure Form—1A (PHD-1A) as set forth in N.J.A.C. 19:41-5.2, for each person required to be qualified pursuant to N.J.S.A. 5:12-92a and b and N.J.A.C. 19:44-4.1.

New Rule, R.1994 d.343, effective July 5, 1994.

See: 26 N.J.R. 1617(a), 26 N.J.R. 2803(a).

19:44-2.7 Renewal application

(a) An application for renewal of a gaming school license shall consist of the fee specified in N.J.A.C. 19:41-9.8 and a completed original and one copy of the following:

1. A Business Entity Disclosure (BED) form for the applicant as follows:

- i. For a corporation, a BED—Corporate as set forth in N.J.A.C. 19:41-5.6 except that documents in N.J.A.C.

19:41-5.6(a)28i, ii, iv, viii, and ix, (a)29 and (a)31 which were included in a prior application may be incorporated by reference if there is no change in the information contained therein; and

ii. For a partnership or sole proprietor, a BED-Partnership as set forth in N.J.A.C. 19:41-5.6A except that documents in N.J.A.C. 19:41-5.6A(a)23 through 25 which were included in a prior application may be incorporated by reference if there is no change in the information contained therein;

2. Both of the following, in a format prescribed by the Commission:

i. A notarized affidavit of compliance with the equal employment and business opportunity requirements of N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53 which shall be signed and dated by the president, chief executive officer, partner or sole proprietor of the applicant, as applicable; and

ii. A statistical report of the composition of the applicant's work force;

3. The appropriate BED form as set forth in (a)1i or ii above for each holding company of the applicant;

4. A completed application in accordance with N.J.A.C. 19:41-7.1A, including a Personal History Disclosure Form—1A (PHD-1A) as set forth in N.J.A.C. 19:41-5.2, for each person required to be qualified pursuant to N.J.S.A. 5:12-92a and b and N.J.A.C. 19:44-4.1 who has not previously been found qualified; and

5. An Employee License Renewal Application as set forth in N.J.A.C. 19:41-14.3 for each person required to be qualified pursuant to N.J.S.A. 5:12-92a and b and N.J.A.C. 19:44-4.1 who has previously been found qualified.

New Rule, R.1994 d.343, effective July 5, 1994.
See: 26 N.J.R. 1617(a), 26 N.J.R. 2803(a).

SUBCHAPTER 3. GAMING SCHOOL LICENSE STANDARDS

19:44-3.1 Gaming school license standards

(a) No gaming school license shall be issued unless the qualifications of the gaming school enterprise shall have first been established in accordance with sections 86, 89 and 92b of the act and regulations of the commission which qualifications shall include but shall not be limited to:

1. Its financial stability, integrity and responsibility;
2. Its good reputation for honesty and integrity;

3. The sufficiency of its business ability and experience to adequately establish the likelihood of its success and efficiency as a gaming school;

4. If the gaming school enterprise is a corporation, that it:

i. Either was incorporated in this State or is authorized to do business in this State;

ii. Maintains a registered office in the premises licensed or to be licensed and has designated and maintains in this State a registered agent as said terms are defined in N.J.S.A. 14A:4-1;

iii. Complies with all requirements of the laws of this State pertaining to corporations;

iv. Maintains a ledger in its registered office in this State reflecting the current ownership of every class of security issued by the said corporation;

v. If not a publicly traded corporation, that it has appropriate charter or bylaw provisions that, upon commission disapproval of any future transfer of any corporate security of, share of or other interest in the applicant corporation or any holding company, intermediary company or subsidiary thereof, such corporations and companies shall have the absolute obligation to purchase and the transferee shall have the obligation to sell same; and

vi. If a publicly traded corporation, that it has appropriate charter or bylaw provisions that, upon commission disqualification or any holder of any security of the applicant corporation, such holder shall dispose of his security interest therein.

5. If the gaming school enterprise is not a corporation, that it maintains an office in this State and has designated to the commission and maintains in this State an agent for the acceptance of service of process;

6. The adequacy of its affirmative action program for both its employees and students; and

7. The appropriate individuals associated with or employed by the gaming school be properly qualified as required by the Act and these regulations.

Amended by R.1984 d.368, effective August 20, 1984.
See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).
Section substantially amended.

19:44-3.2 Gaming school certificate of operation standards

(a) Notwithstanding the issuance of a license, no gaming school may enroll students or offer any course or program of instruction unless and until a valid certificate of operation has been issued to the gaming school licensee by the commission.

19:44-15.2 Attachments to bulletin

Certain information that is subject to change, such as the schedule of tuition and fees and the list of instructional staff, may be prepared as attachments to the bulletin. In such cases, the attachment shall be physically affixed to the bulletin and the bulletin shall include a specific reference to the attached information.

19:44-15.3 New courses or programs

Subsequent to the publication of the bulletin, if the school requests approval of a new course or program of instruction, a condition of the approval shall be either the publication of a revised bulletin or the publication of a supplement to the bulletin containing the pertinent information regarding each new offering.

19:44-15.4 Contents of bulletin

(a) The school bulletin shall be the official statement of the school's policies, regulations, charges and fees, and shall include the following items:

1. Identifying data, such as volume, number and date of publication;
2. Name of the school, names of the members of the governing body and names of officials and full-time instructors;
3. A calendar of the school showing legal holidays and other important dates;
4. School policy and regulations on enrollment with respect to date of enrollment and specific entrance requirements for each course or program of instruction;
5. School policy and regulations relative to leave, absences, class cuts, make-up work, tardiness and interruptions for unsatisfactory attendance;
6. School policy and regulations relative to standards of progress required of the student which shall define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, allowed by the school and conditions of reentrance for those students dismissed for unsatisfactory progress;
7. School policy and regulations relating to student conduct and conditions of dismissal for unsatisfactory conduct;
8. Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits and all other charges;
9. Policy and regulations relative to the refund of the unused portion of tuition fees and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

10. A course or program summary for each approved course or program of instruction showing subjects or units in the course or program, type of work or skill to be learned and the total number of clock hours of the course or program;

11. A description of the available space, facilities and equipment;

12. Policy and regulations relative to granting credit for previous education and training;

13. Policy and regulations relative to the awarding of a diploma, certificate or other evidence of successful completion of a course or program of instruction; and

14. Reproduction on the cover in 14 point type of the following: "Graduation from this School does not assure the graduate that he or she will be licensed by the New Jersey Casino Control Commission. All individuals must meet the Commission's standards to work in a Casino."

Amended by R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

(a)3 changed.

Amended by R.1984 d.563, effective December 17, 1984.

See: 16 N.J.R. 2352(a), 16 N.J.R. 3494(a).

Deleted text "and approximate time and clock hours to be spent on each subject or unit" and substituted "and the total ... course or program".

SUBCHAPTER 16. ENROLLMENT AGREEMENT**19:44-16.1 Enrollment agreement**

(a) Each gaming school shall use an enrollment agreement which shall be the contract between the school and the student and shall:

1. Be prepared in duplicate, dated and signed by the student and a designated representative of the school; the student shall be furnished a copy of the agreement immediately upon execution;
2. Contain the name, address and telephone number of the school;
3. Contain pertinent information on the name and length of the course or program of instruction, the tuition and other costs and the methods of payment;
4. Contain information regarding the scheduled hours of instruction, the date of the start of the program and the approximate completion date;
5. Contain a statement of the registration fee and the refund policy in the event a student does not start the course or discontinues prior to completion;
6. Contain a statement of the school policy regarding termination of enrollment of students or a specific refer-

ence to the location in the school bulletin where such policy is enumerated;

7. Contain on the first page in 14 point boldface print or larger the following statement: "Graduation from this School does not assure the graduate that he or she will be licensed by the New Jersey Casino Control Commission. All individuals must meet the Commission's standards to work in a Casino. Any questions or problems concerning this school which have been satisfactorily answered or resolved by the institution should be directed in writing to the Casino Control Commission";

8. Contain immediately above the student's signature in 14 point boldface print or larger the following statement: "This agreement may be voided by the student within four business days after receipt by him of a copy thereof executed by an authorized school official by notifying the school in writing, within that time period, of his intent not to be bound by the agreement"; and

9. Contain on the same page that the student's signature is required, the total financial obligation that the student shall incur upon enrollment, in numbers or letters or both which are of larger print than the rest of the agreement.

Amended by R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

Deleted "executed it" and added "execution".

19:44-16.2 Execution; avoidance

The enrollment agreement may be executed at the school, the home or by mail. The agreement shall not become binding until receipt by the student of a copy thereof executed by an authorized school official. The enrollment agreement, however, shall be void if the student, within four business days after his receipt of the executed copy thereof, notifies the school in writing of his intent not to be bound by such agreement.

SUBCHAPTER 17. PUBLICITY, ADVERTISING AND PUBLIC REPRESENTATIONS

19:44-17.1 Publicity, advertising and public representations; requirements

(a) All publicity, advertising and public representations sponsored, procured, utilized, published, endorsed, presented or otherwise disseminated by, at the direction or on behalf of a gaming school shall be based upon fact and shall not be false, deceptive or misleading in any manner whatsoever. Furthermore, no such publicity, advertising or representation shall:

1. Use any name, label, insignia or designation which can reasonably be construed as misleading or deceiving prospective students with respect to the nature of the school, its accreditation, programs of instruction, courses or methods of instruction;

2. Misrepresent, directly or indirectly, by use of a name or in any other manner, that it is a part of or connected with an agency of the Federal, State, county or municipal government;

3. Misrepresent that it is an employment agency or authorized training facility for another industry or otherwise deceptively conceal the fact that it is a school;

4. Misrepresent that it is affiliated with a public or private, religious or charitable institution or political organization;

5. Misrepresent that applications for enrollment will be considered for only a limited period of time or that they must be submitted by a certain date;

6. Misrepresent, directly or indirectly, the size, reputation, location, facilities or equipment of the school through use of photographs, illustrations or any other depictions in catalogues, advertisements or other promotional materials;

7. Misrepresent the nature or efficacy of its courses, training devices, methods or equipment or the number, qualifications, training or experience of its faculty or personnel; whether by means of endorsements or otherwise;

8. Misrepresent that it owns, operates or supervises a dormitory, eating or other living accommodations;

9. Represent that it is an accredited school unless all the programs of instruction have been accredited by an authorized accrediting agency recognized by the New Jersey Department of Education, the New Jersey Department of Higher Education or the United States Office of Education;

10. Misrepresent that students completing a course or program of instruction may transfer credit to another school without factually documenting such transferability to the commission prior to the time such representation is made to the students;

11. Misrepresent that only those who make an acceptable grade or complete successfully a certain test or examination will be admitted;

12. Represent at any time that it will provide or arrange for part or full-time employment of the students in the gaming industry unless the school has a formal agreement or commitment with a casino whereby the casino has agreed to employ students from the school, in which case the school shall disclose to the students the full terms of such agreement in making any representation as to employment; or

13. Misrepresent, directly or indirectly, that it is a nonprofit organization.

19:44-17.2 Advertising; school name

A school shall advertise only as a school and under the approved name and address of the school.

19:44-17.3 Advertising; training and education only

All advertising and promotional literature used by a school must clearly indicate that training or education is being offered and not employment.

19:44-17.4 Classified columns

Schools using classified columns of newspapers or other publications to procure students must use only such columns as are headed by "Education", "Schools", or "Instruction". Classification such as "Business Opportunities", "Employment", "Help Wanted", may be used only to procure employees or agents for the school.

Amended by R.1993 d.430, effective September 7, 1993.
See: 25 N.J.R. 2660(a), 25 N.J.R. 4125(a).

19:44-17.5 Tuition advertising

Any advertising of the price of tuition must state the exact name of the course or program of instruction immediately followed by the number of instructional hours of each course or program. When the cost of tuition is advertised, the cost of tools, supplies and all other charges shall be included in the advertising.

19:44-17.6 Illustrations

Illustrations in bulletins, circulars or advertisements shall relate solely to the school being advertised. In the case of a school that operates two or more separate facilities, all illustrations shall clearly indicate which facility is being shown.

19:44-17.7 Membership in organization or association

A school that is a member of any organization or association of schools shall limit any statement in this regard to "A member of Association".

19:44-17.8 Accreditation

A school that is accredited by an accrediting agency recognized by the New Jersey Department of Higher Education or by the United States Office of Education shall limit any statement in this regard to "Accredited by".

19:44-17.9 Approved by the Commission

A school shall refer to the fact that it has been approved by the Commission only in the following terminology: "Li-

censed by the Casino Control Commission of the State of New Jersey".

19:44-17.10 Exterior advertising

When used on the exterior of a school building or on a signboard, lettering in any advertising must be in compliance with the ordinances and master plan of the city, township and county in which it shall be located. The sign to be displayed must comply with the policies of the Act and the regulations promulgated thereunder.

As amended, R.1982 d.21, effective February 1, 1982.

See: 13 N.J.R. 841(a), 14 N.J.R. 162(c).

Catchline was "Lettering: height restriction".

Text amended to comply with local ordinances.

19:44-17.11 Record keeping

(a) Each gaming school licensee shall maintain a record of all its advertisements which shall include, at a minimum, the following:

1. A description of the advertisement; and
2. The date and method of broadcast or publication.

As amended, R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

Section substantially amended.

Amended by R.1987 d.188, effective April 20, 1987.

See: 18 N.J.R. 2439(a), 19 N.J.R. 648(b).

Old heading was "Prior approval"; deleted old (a) and (a)2; renumbered rest of section accordingly.

SUBCHAPTER 18. RECORDS

19:44-18.1 Adequate records

(a) The schools shall maintain, for at least five years, in a place secure from theft or destruction, adequate records which shall be made available to the commission or division upon request. These records shall include:

1. Correspondence with the Commission or Division and other government agencies;
2. All correspondence between students or prospective students and the school;
3. Copies of all promotional material, bulletins and advertising;
4. Records for each student showing attendance, absence, progress, grades, completion date of course or program of instruction and such placement information as is known at the time of completion of course or program;

5. A personnel file on each employee of the school, including sales representatives;

6. Enrollment agreements and applications for enrollment;

7. A financial record for each student showing the amount of money paid by the student, the amount of money due from him for his tuition and other charges and any refunds due or paid to him; and

8. Records for each year showing the total number of students applying for entry to the school, total number of students accepted in each course or in each program and total number of students graduated from each course or program.

(b) A permanent record, in a form approved by the Commission, shall be maintained for each student indefinitely. This record shall show the course or program or instruction attended, the total amount of tuition paid or owed, the total hours of training actually received, the date of completion or withdrawal and, for students enrolled in a course designed for second or subsequent game training, verification that the student meets the minimum hours of training and instruction required for enrollment in such a course. In the event of the closing of a school, the student's permanent record shall be forwarded to the Commission.

As amended, R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2030(a).

(b) added.

19:44-18.2 (Reserved)

R.1984 d.368, effective August 20, 1984.

See: 15 N.J.R. 1460(a), 16 N.J.R. 2303(a).

Repealed, "Retention of records".